

SENATE BILL 379

P5

EMERGENCY BILL

2lr1249

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 31, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code and certain uncodified laws; clarifying language; correcting
5 certain obsolete references; reorganizing certain sections of the Annotated Code;
6 ratifying certain corrections made by the publishers of the Annotated Code;
7 providing that this Act is not intended to affect any law other than to correct
8 technical errors; providing for the correction of certain errors and obsolete
9 provisions by the publishers of the Annotated Code; providing for the effect and
10 construction of certain provisions of this Act; providing for a delayed effective
11 date for a portion of this Act; and making this Act an emergency measure.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 11–304(q)(2), 15–112(d)(2)(iv), and 20–106(c)
15 Annotated Code of Maryland
16 (2011 Replacement Volume)

17 BY repealing
18 Article 2B – Alcoholic Beverages
19 Section 11–403(b)(2)(xi)
20 Annotated Code of Maryland
21 (2011 Replacement Volume)

22 BY adding to
23 Article 24 – Political Subdivisions – Miscellaneous Provisions
24 Section 1–112
25 Annotated Code of Maryland
26 (2011 Replacement Volume)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Article 25 – County Commissioners
2 Section 10–I(a), 19(b), 53(b)(6), 121D, and 174
3 Annotated Code of Maryland
4 (2011 Replacement Volume)
- 5 BY repealing and reenacting, with amendments,
6 Article 25B – Home Rule for Code Counties
7 Section 13H(j)
8 Annotated Code of Maryland
9 (2011 Replacement Volume)
10 (As enacted by Chapter 641 of the Acts of the General Assembly of 1995)
- 11 BY repealing
12 Article – Agriculture
13 The subtitle designation “Subtitle 13. Aquaculture”
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2011 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Business Occupations and Professions
18 The subtitle designation “Subtitle 5. Miscellaneous Provision” to immediately
19 precede Section 9–501; and 16–211
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2011 Supplement)
- 22 BY repealing and reenacting, without amendments,
23 Article – Business Occupations and Professions
24 Section 9–501
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2011 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Business Regulation
29 Section 5–403(4), 12–301(b)(1), 16.5–101(c), and 17–1012(a), (c)(1), and (e)
30 Annotated Code of Maryland
31 (2010 Replacement Volume and 2011 Supplement)
- 32 BY repealing
33 Article – Business Regulation
34 The part designation “Part III. Calvert County Licensing”
35 Annotated Code of Maryland
36 (2010 Replacement Volume and 2011 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – Commercial Law
39 Section 12–1026(a), 13–204(14), 14–1310(b)(1)(ii), and 14–1805(a)
40 Annotated Code of Maryland

- 1 (2005 Replacement Volume and 2011 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article – Corporations and Associations
4 Section 5–6B–03(d)(1) and (3)
5 Annotated Code of Maryland
6 (2007 Replacement Volume and 2011 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–819(c)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2011 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 2–303(h)(2), 3–902(a)(5)(i)8., and 3–903(b)(6)
15 Annotated Code of Maryland
16 (2002 Volume and 2011 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Criminal Procedure
19 Section 10–231.1(c)(2), 11–701(l)(3), and 11–723(d)(3)(ii)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2011 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 3–1001(b), (d), and (g), 7–109, 18–403, 18–604(a), 18–705(c)(2) and (4),
25 and 23–205(b)(2)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2011 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Education
30 Section 11–203(b)
31 Annotated Code of Maryland
32 (2008 Replacement Volume and 2011 Supplement)
33 (As enacted by Chapter 277 of the Acts of the General Assembly of 2011)
- 34 BY repealing and reenacting, with amendments,
35 Article – Election Law
36 Section 5–305(c)(1), 9–207(a)(1), 9–209, 10–310(c)(4), and 13–227(b)
37 Annotated Code of Maryland
38 (2010 Replacement Volume and 2011 Supplement)
- 39 BY repealing and reenacting, with amendments,

- 1 Article – Environment
2 Section 6–819(a)(2)(viii), 9–1605.2(h)(2)(i)1.E., and 15–1201(b) and (c)
3 Annotated Code of Maryland
4 (2007 Replacement Volume and 2011 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Estates and Trusts
7 Section 4–409(2) and 14–107(f)(2)(ii)
8 Annotated Code of Maryland
9 (2011 Replacement Volume and 2011 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 4–509(a); the subtitle designation “Subtitle 1. Definition” to immediately
13 precede Section 5–101; and 12–201(j) and (k)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2011 Supplement)
- 16 BY repealing and reenacting, without amendments,
17 Article – Family Law
18 Section 5–101(a)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2011 Supplement)
- 21 BY repealing
22 Article – Family Law
23 Section 12–201(i)
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2011 Supplement)
- 26 BY adding to
27 Article – Family Law
28 Section 12–201(k)
29 Annotated Code of Maryland
30 (2006 Replacement Volume and 2011 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Financial Institutions
33 Section 2–114(b), 4–906(2), 8–303(b)(21), 8–404, 9–1005(a) and (b)(2)(i),
34 9–1006(b)(2), (c), and (e), and 12–802(g)
35 Annotated Code of Maryland
36 (2011 Replacement Volume and 2011 Supplement)
- 37 BY repealing
38 Article – Financial Institutions
39 Section 11–603.1(l)
40 Annotated Code of Maryland

- 1 (2011 Replacement Volume and 2011 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article – Health – General
4 Section 8–1001(d)(1), 13–112(c), 13–809(1)(iii) and (iv), 15–304(b)(1), 18–901(e),
5 21–2A–04(b)(5), and 24–505(1)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2011 Supplement)
- 8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 10–411(c)(2)(i)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)
13 (As enacted by Chapter 21 of the Acts of the General Assembly of 1982)
- 14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 19–1409(b)(8)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)
19 (As enacted by Chapter 65 of the Acts of the General Assembly of 2011)
- 20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 4–205(a)(7), 4–207(e), 4–308(d)(1)(ii)1. and 2.A. and (h)(1)(iii)1., and
23 12–6C–01(q)
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2011 Supplement)
- 26 BY repealing
27 Article – Health Occupations
28 Section 12–6C–01(p)
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2011 Supplement)
- 31 BY adding to
32 Article – Health Occupations
33 Section 12–6C–01(q)
34 Annotated Code of Maryland
35 (2009 Replacement Volume and 2011 Supplement)
- 36 BY adding to
37 Article – Health Occupations
38 Section 14–411(e) and (f)
39 Annotated Code of Maryland
40 (2009 Replacement Volume and 2011 Supplement)

1 (As enacted by Chapters 308 and 309 of the Acts of the General Assembly of
2 2011)

3 BY repealing and reenacting, with amendments,
4 Article – Health Occupations
5 Section 14–411(e) through (q)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2011 Supplement)
8 (As enacted by Chapters 308 and 309 of the Acts of the General Assembly of
9 2011)

10 BY repealing and reenacting, with amendments,
11 Article – Insurance
12 Section 4–405(b)(12), 5–101(a)(3)(ii), (4)(ii), (11), and (13), 5–608(e)(2) and (n)(1)
13 and (2), 7–405(c)(1)(i), 8–301(f)(1)(i)5., 9–217(b), 14–106(d)(2)(i),
14 14–504(a)(2), 15–1216(c)(2), 27–613(c)(3)(viii) and (h)(3)(ii),
15 27–614(c)(5)(vii) and (e)(3)(ii), and 31–101(j)
16 Annotated Code of Maryland
17 (2011 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Labor and Employment
20 Section 3–502, 3–710(d)(7), 3–711(d)(5)(ii) and (iii), 3–907(b)(2) and (3), and
21 9–722(a)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Natural Resources
26 Section 4–701.1(g)(6)(i), 4–742(e), and 4–1037(3)
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Public Safety
31 Section 2–509(a), 2–510, 5–103(1), and 11–116(a)(2)(v)
32 Annotated Code of Maryland
33 (2011 Replacement Volume)

34 BY adding to
35 Article – Public Safety
36 The new subtitle designation “Subtitle 7. Freedom of Association and Assembly
37 Protection Act” to immediately precede Section 3–701
38 Annotated Code of Maryland
39 (2011 Replacement Volume)

40 BY repealing and reenacting, without amendments,

- 1 Article – Public Safety
2 Section 3–701(a)(1)
3 Annotated Code of Maryland
4 (2011 Replacement Volume)
- 5 BY repealing and reenacting, with amendments,
6 Article – Public Utilities
7 Section 7–211(h)(5)(iii)2. and 10–104(d)(2)
8 Annotated Code of Maryland
9 (2010 Replacement Volume and 2011 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Real Property
12 Section 7–105.9(b)(1), 8A–401, 8A–403(a), 8A–406, 8A–1101(a), 11–109(d)(22),
13 and 11B–111(1), (3), and (5)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2011 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Real Property
18 The subtitle designation “Subtitle 13. Retaliatory Actions” to immediately
19 precede Section 8A–1301
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2011 Supplement)
22 (As enacted by Chapter 843 of the Acts of the General Assembly of 1980)
- 23 BY repealing and reenacting, without amendments,
24 Article – Real Property
25 Section 8A–1301(a)(1)
26 Annotated Code of Maryland
27 (2010 Replacement Volume and 2011 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – State Finance and Procurement
30 Section 4–604(8), 12–301(b)(3), and 14–303(a)(1)(ii) and (b)(8)
31 Annotated Code of Maryland
32 (2009 Replacement Volume and 2011 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article – State Government
35 Section 9–120(b)(1)(i), 9–1A–01(u)(2)(ii), 9–1A–09.1(d)(1), and 15–102(m)(2)
36 Annotated Code of Maryland
37 (2009 Replacement Volume and 2011 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – State Government
40 Section 10–616(p)(5)(xv)

- 1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2011 Supplement)
3 (As enacted by Chapter 541 of the Acts of the General Assembly of 2011)
- 4 BY repealing and reenacting, with amendments,
5 Article – State Personnel and Pensions
6 Section 21–307(f), 22–406(c)(9)(iii)2., 23–307(a)(1), 23–407(c)(9)(iii)2., and
7 24–401.1(c)(2)(ii)1.
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2011 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Tax – General
12 Section 11–206(a)
13 Annotated Code of Maryland
14 (2010 Replacement Volume and 2011 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Tax – Property
17 Section 2–106(c)
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2011 Supplement)
20 (As enacted by Chapter 397 of the Acts of the General Assembly of 2011)
- 21 BY repealing and reenacting, with amendments,
22 Article – Tax – Property
23 Section 12–108(y)(1)(ii) and (aa)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2011 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Transportation
28 Section 4–312(a)(1)
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2011 Supplement)
31 (As enacted by Chapter 941 of the Acts of the General Assembly of 1978)
- 32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 11–117(a), 15–101(g)(2)(ii), 16–111.2(e), 16–115(e), 16–122(a)(2) and (3),
35 16–205.1(b)(3)(viii)3., and 22–412.1
36 Annotated Code of Maryland
37 (2009 Replacement Volume and 2011 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Transportation
40 Section 23–202(b)(3)(i)

1 Annotated Code of Maryland
 2 (2009 Replacement Volume and 2011 Supplement)
 3 (As enacted by Chapters 111 and 112 of the Acts of the General Assembly of
 4 2007)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article 2B – Alcoholic Beverages**

8 11–304.

9 (q) (2) (i) A person may not consume any alcoholic beverages
 10 **BETWEEN 1:30 A.M. AND THE NEXT SUCCEEDING HOUR AUTHORIZED BY LAW**
 11 **FOR SALES TO BEGIN** on any premises open to the general public, or any place of
 12 public entertainment, which holds a:

- 13 1. Class B, Class C, Class D or Class H beer license;
- 14 2. Class B, Class C, Class D or Class H beer and light
 15 wine license; or
- 16 3. Class B beer, wine and liquor license.

17 (ii) An owner, operator, or manager of the premises or place
 18 may not knowingly permit the consumption of alcoholic beverages between 1:30 a.m.
 19 and the next succeeding hour authorized by law for sales to begin under the respective
 20 licenses listed in **SUBPARAGRAPH (I) OF** this paragraph.

21 **DRAFTER’S NOTE:**

22 Error: Omitted language and incomplete cross–reference in Article 2B,
 23 § 11–304(q)(2)(i) and (ii).

24 Occurred: Ch. 10, Acts of 1996, which enacted a nonsubstantive revision of
 25 former Article 2B, § 11–304(h) (now § 11–304(q)) that failed to properly apply the
 26 limiting phrase “between 1:30 a.m. and the next succeeding hour authorized by law for
 27 sales to begin” to the prohibition on the consumption of alcoholic beverages as well as
 28 to the sales of alcoholic beverages as provided in the original source law. Correction
 29 suggested by Assistant Attorney General Kathryn Rowe, Office of Counsel to the
 30 General Assembly, in a memorandum dated April 25, 2011.

31 11–403.

32 (b) (2) [(xi) For Dorchester County the provisions are subordinate to §
 33 11–510 of this title.]

1 DRAFTER'S NOTE:

2 Error: Obsolete language in Article 2B, § 11–403(b)(2)(xi).

3 Occurred: As a result of Ch. 370, Acts of 2011. Correction suggested by the
4 Attorney General in the Bill Review Letter for H.B. 973 of 2011 (footnote 20), dated
5 April 20, 2011.

6 15–112.

7 (d) (2) A commissioner or employee of the Board:

8 (iv) May not receive any salary or other compensation or any
9 other thing of value from a business engaged in the manufacture, [distributions]
10 **DISTRIBUTION**, or sale of alcoholic beverages.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in Article 2B, § 15–112(d)(2)(iv).

13 Occurred: Ch. 263, Acts of 2011. Correction suggested by the Attorney General
14 in the Bill Review Letter for S.B. 613 of 2011, dated May 2, 2011.

15 20–106.

16 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed
17 on its premises, or on premises under its control or possession, any alcoholic
18 beverages, setups, or other component parts [or] **OF** mixed alcoholic drinks after legal
19 closing hours for establishments under § 11–303 of this article.

20 DRAFTER'S NOTE:

21 Error: Incorrect word usage in Article 2B, § 20–106(c).

22 Occurred: Ch. 549, Acts of 1998.

23 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

24 **1–112.**

25 **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY**
26 **OR MUNICIPAL CORPORATION MAY:**

27 **(I) PAY THE WAGE OF AN EMPLOYEE BY DIRECT DEPOSIT**
28 **AS PROVIDED IN SUBSECTION (B) OF THIS SECTION; AND**

1 **(II) REQUIRE AN EMPLOYEE TO RECEIVE THE PAYMENT OF**
2 **WAGES BY DIRECT DEPOSIT AS A CONDITION OF EMPLOYMENT.**

3 **(2) A COUNTY OR MUNICIPAL CORPORATION MAY NOT REQUIRE**
4 **THE PAYMENT OF WAGES BY DIRECT DEPOSIT FOR AN EMPLOYEE:**

5 **(I) WHO WAS HIRED BEFORE OCTOBER 1, 2011, UNLESS**
6 **THE COUNTY OR MUNICIPAL CORPORATION, BEFORE OCTOBER 1, 2011,**
7 **REQUIRED BY LOCAL LAW, REGULATION, OR COLLECTIVE BARGAINING**
8 **AGREEMENT, THE PAYMENT OF WAGES BY DIRECT DEPOSIT;**

9 **(II) WHOSE EMPLOYMENT IS NOT CONDITIONED ON THE**
10 **EMPLOYEE RECEIVING THE PAYMENT OF WAGES BY DIRECT DEPOSIT; OR**

11 **(III) WHO:**

12 **1. DOES NOT HAVE A PERSONAL BANK ACCOUNT;**
13 **AND**

14 **2. INFORMS THE EMPLOYEE'S EMPLOYER THAT THE**
15 **EMPLOYEE WISHES TO OPT OUT OF DIRECT DEPOSIT.**

16 **(3) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY**
17 **WAGES BY DIRECT DEPOSIT, AN EMPLOYEE WHO IS NOT REQUIRED TO RECEIVE**
18 **THE PAYMENT OF WAGES BY DIRECT DEPOSIT MAY ELECT TO RECEIVE THE**
19 **PAYMENT OF WAGES BY DIRECT DEPOSIT IN ACCORDANCE WITH SUBSECTION**
20 **(C) OF THIS SECTION.**

21 **(B) IF A COUNTY OR MUNICIPAL CORPORATION ELECTS TO PAY THE**
22 **WAGES OF ITS EMPLOYEES BY DIRECT DEPOSIT, THE COUNTY OR MUNICIPAL**
23 **CORPORATION SHALL:**

24 **(1) PROVIDE AN EMPLOYEE WHO IS REQUIRED OR ELECTS TO**
25 **RECEIVE THE PAYMENT OF WAGES BY DIRECT DEPOSIT WITH AN ELECTRONIC**
26 **FUND TRANSFER AUTHORIZATION FORM;**

27 **(2) DEPOSIT THE WAGE OF AN EMPLOYEE INTO A PERSONAL**
28 **BANK ACCOUNT SELECTED BY THE EMPLOYEE ON THE ELECTRONIC FUND**
29 **TRANSFER AUTHORIZATION FORM; AND**

1 10–I.

2 (a) The County Commissioners of St. Mary’s County may regulate any public
3 road, street, avenue, lane, alley or bridge, sidewalk, curb, gutter, and storm drainage
4 facilities within St. Mary’s County which is not within the corporate limits of any
5 incorporated city or town and which has not been designated or maintained as a part
6 of the State or federal highway system or any extension with respect to:

7 (1) The weight of vehicles;

8 (2) The parking of vehicles;

9 (3) The abandonment of vehicles;

10 (4) Use by private and public utilities in the construction and
11 maintenance necessitated by the performance of their purpose;

12 (5) The construction and maintenance of driveway connections where
13 those connections are provided; **AND**

14 (6) The speed of vehicles.

15 DRAFTER’S NOTE:

16 Error: Omitted conjunction in Article 25, § 10–I(a).

17 Occurred: Ch. 849, Acts of 1976.

18 19.

19 (b) **[(1)]** The County Commissioners of St. Mary’s County shall **[take]**:

20 **(1)** **TAKE** office on the first Monday in December following their
21 election; and

22 **(2)** **[Shall meet] MEET** at least 48 times a year, in accordance with the
23 St. Mary’s County Open Meetings Act.

24 DRAFTER’S NOTE:

25 Error: Stylistic errors in Article 25, § 19(b).

26 Occurred: Ch. 47, Acts of 2001.

27 53.

1 (b) The petition shall be accompanied by a report from the local soil
2 conservation district or districts lying in whole or in part within the proposed
3 association which shall show the following:

4 (6) The name of the proposed organization [shall], **TO** be styled the
5 “_____ Public Drainage Association”; and

6 DRAFTER’S NOTE:

7 Error: Grammatical error in Article 25, § 53(b)(6).

8 Occurred: Ch. 738, Acts of 1994.

9 121D.

10 The board of drainage commissioners shall advertise for bids for the
11 construction of the improvement either as a whole or in parts to be let to the lowest
12 responsible bidder or [bidders, the] **BIDDERS**. **THE** board shall have the right to reject
13 any or all bids and readvertise. They shall make such terms for payment with the
14 contractor as they deem proper, and fix the amount of the contractor’s bond which
15 shall be given in favor of the board of drainage commissioners.

16 DRAFTER’S NOTE:

17 Error: Grammatical error in Article 25, § 121D.

18 Occurred: Ch. 656, Acts of 1912.

19 174.

20 At the hearing, the petitioners, [and] the affected soil conservation district or
21 districts being represented, **AND** any person interested in the matter may appear in
22 person or by counsel and make known his objection to any part of the report. The
23 county commissioners may, in their discretion, disapprove the petition and report and
24 refer them back to the petitioners for amendment in view of the objections presented,
25 or they may approve the petition and report as submitted or as it may have been
26 amended. Upon approval of the petition and report the commissioners shall declare
27 established an organization, to be known as the Public Watershed
28 Association, composed of the owners of all the lands within the boundaries of the
29 Association.

30 DRAFTER’S NOTE:

31 Error: Misplaced conjunction in Article 25, § 174.

32 Occurred: Ch. 588, Acts of 1959.

Article 25B – Home Rule for Code Counties

13H.

(j) From the total revenue derived from a tax imposed under this section, the county commissioners shall:

(1) Deduct a reasonable percentage not to exceed 5% for the cost of imposing and collecting the tax; **AND**

(2) After the deduction in item (1) of this subsection, distribute the revenue to the appropriate authority to be deposited in a sinking fund and used for the sole purpose of paying the principal and interest on bonds issued relating to a convention center facility in accordance with the provisions of subsection (b)(1) of this section.

DRAFTER’S NOTE:

Error: Omitted conjunction in Article 25B, § 13H(j).

Occurred: Ch. 641, Acts of 1995. Correction by the publisher of the Annotated Code in the 2011 Replacement Volume for Article 2B is ratified by this Act.

Article – Agriculture

Title 10. Promotion and Identification of Agricultural Products.

[Subtitle 13. Aquaculture.]

DRAFTER’S NOTE:

Error: Obsolete subtitle in Title 10 of the Agriculture Article.

Occurred: As a result of Ch. 411, Acts of 2011, which, by repealing §§ 10–1301 and 10–1302 and transferring § 10–1303 of the Agriculture Article to be § 4–11A–03.2 of the Natural Resources Article, removed all provisions of law from former Title 10, Subtitle 13 of the Agriculture Article.

Article – Business Occupations and Professions

Subtitle 5. Miscellaneous [Provision] **PROVISIONS.**

9–501.

Before a licensed landscape architect issues to a client or submits to a public authority any final drawing, plan, specification, report, or other document, the

1 licensed landscape architect who prepared or approved the document shall sign, seal,
2 and date the document.

3 DRAFTER'S NOTE:

4 Error: Incorrect word usage in the subtitle designation "Subtitle 5.
5 Miscellaneous Provision", immediately preceding § 9-501 of the Business Occupations
6 and Professions Article.

7 Occurred: Ch. 3, Acts of 1989.

8 16-211.

9 (a) The Commission shall refer to the [Hearing Board] **APPROPRIATE**
10 **HEARING BOARD** for a hearing any matter for which a hearing may be required under
11 § 16-701, § 16-701.1, or § 16-701.2 of this title.

12 (b) The [Hearing Board] **HEARING BOARD** may exercise the same powers
13 and shall conduct a hearing in accordance with the same procedures applicable to the
14 Commission under § 16-602 of this title.

15 (c) (1) The [Hearing Board] **HEARING BOARD** shall determine if there is
16 a reasonable basis to believe that there are grounds for disciplinary action under this
17 title against a licensee.

18 (2) (i) If the [Hearing Board] **HEARING BOARD** finds a reasonable
19 basis as provided under paragraph (1) of this subsection, the [Hearing Board]
20 **HEARING BOARD** shall:

- 21 1. hold a hearing on the matter; and
22 2. file its finding with the Commission.

23 (ii) If the [Hearing Board] **HEARING BOARD** does not find a
24 reasonable basis as provided under paragraph (1) of this subsection, the [Hearing
25 Board] **HEARING BOARD** shall dismiss the complaint.

26 (3) A [Hearing Board] **HEARING BOARD** shall advise the Commission
27 specifically of any action brought against a licensee as a result of monetary loss,
28 misappropriation of money, or fraud.

29 (d) (1) (i) Within 15 days after the filing of a decision by a [Hearing
30 Board] **HEARING BOARD**, the Commission or any of its members may file an
31 exception to the decision of the [Hearing Board] **HEARING BOARD**.

1 (ii) On the filing of an exception under subparagraph (i) of this
2 paragraph, the Commission shall set a hearing on the matter.

3 (2) If an exception is not filed within the time allowed under
4 paragraph (1)(i) of this subsection:

5 (i) the decision of the [Hearing Board] **HEARING BOARD** shall
6 be considered as the final decision of the Commission; and

7 (ii) any party aggrieved by the decision may take a judicial
8 appeal as provided in this title.

9 DRAFTER'S NOTE:

10 Error: Capitalization errors in § 16–211 of the Business Occupations and
11 Professions Article.

12 Occurred: Ch. 269, Acts of 2011.

13 **Article – Business Regulation**

14 5–403.

15 To qualify for a permit, a corporation, limited liability company, or partnership
16 shall:

17 (4) comply with [§ 5–303(b)(4) and §] **§§ 5–303(B)(4) AND** 5–304 of
18 this title.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 5–403(4) of the Business Regulation Article.

21 Occurred: Ch. 186, Acts of 2001.

22 12–301.

23 (b) Each pawnbroker shall make a written record, on a form provided by the
24 Secretary, of each business transaction that involves:

25 (1) lending money on pledge of personal property, other than a
26 security or printed evidence of indebtedness; [or]

27 DRAFTER'S NOTE:

28 Error: Extraneous conjunction in § 12–301(b)(1) of the Business Regulation
29 Article.

1 Occurred: Ch. 547, Acts of 1993.

2 16.5–101.

3 (c) “License” means:

4 (1) a license issued by the Comptroller under § 16.5–204(a) of this title
5 to:

6 (i) act as a licensed other tobacco products manufacturer;

7 (ii) act as an other tobacco products wholesaler; **OR**

8 (iii) act as an other tobacco products storage warehouse; or

9 (2) a license issued by the clerk under § 16.5–204(b) of this title to act
10 as an other tobacco products retailer or a tobacconist.

11 DRAFTER’S NOTE:

12 Error: Omitted conjunction in § 16.5–101(c)(1) of the Business Regulation
13 Article.

14 Occurred: Ch. 388, Acts of 2010.

15 17–1012.

16 (a) In this section, “historic marker or plaque” means a marker, plaque, or
17 tablet commemorating [an] A historic person or event, or identifying [an] A historic
18 place, structure, or object.

19 (c) (1) Each junk dealer, scrap metal processor, or antique dealer subject
20 to this section who purchases [an] A historic marker or plaque shall register with the
21 sheriff or other law enforcement official designated by the governing body of the
22 county in which the business of the junk dealer, scrap metal processor, or antique
23 dealer is located a complete description of the historic marker or plaque.

24 (e) [An] A historic marker or plaque may not be sold or otherwise disposed of
25 for a period of 30 days from the date of the notice required under subsection (d) of this
26 section.

27 DRAFTER’S NOTE:

28 Error: Grammatical errors in § 17–1012(a), (c)(1), and (e) of the Business
29 Regulation Article.

1 Occurred: Ch. 284, Acts of 1993.

2 [Part III. Calvert County Licensing.]

3 DRAFTER'S NOTE:

4 Error: Obsolete part designation in Title 17, Subtitle 10 of the Business
5 Regulation Article.

6 Occurred: As a result of Ch. 110, Acts of 2011, which repealed §§ 17–1015
7 through 17–1024 of the Business Regulation Article, thereby repealing all provisions
8 of law formerly included under the part designation “Part III. Calvert County
9 Licensing”.

10 **Article – Commercial Law**

11 12–1026.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) [“Lending institution” means a bank, savings bank, or savings and
14 loan association doing business in Maryland.

15 (3) [“Escrow account” means an expense or escrow account which tends
16 to protect the security of a loan by the accumulation of funds for the payment of taxes,
17 insurance premiums, or other expenses.

18 **(3) “LENDING INSTITUTION” MEANS A BANK, SAVINGS BANK, OR**
19 **SAVINGS AND LOAN ASSOCIATION DOING BUSINESS IN MARYLAND.**

20 DRAFTER'S NOTE:

21 Error: Stylistic error (failure to codify definitions in alphabetical order) in
22 § 12–1026(a)(2) and (3) of the Commercial Law Article.

23 Occurred: Ch. 404, Acts of 1993.

24 13–204.

25 In addition to any other of its powers and duties, the Division has the powers
26 and duties to:

27 (14) [(i)] Maintain a list of nonprofit organizations that:

28 [1.] (I) Solely offer counseling or advice to homeowners
29 in foreclosure or loan default; and

1 5-6B-03.

2 (d) (1) Any developer who, in disclosing the information required under
3 [subsections (a) and (b) of § 5-6B-02] **§ 5-6B-02(A) AND (B)** of this subtitle, makes
4 an untrue statement of a material fact, or omits to state a material fact necessary in
5 order to make the statements made not [misleading.] **MISLEADING** in the light of
6 circumstances under which they were made, shall be liable to a person purchasing a
7 cooperative interest from the developer.

8 (3) A developer may not be liable under paragraph (1) of this
9 subsection if the developer, after reasonable investigation, had reasonable grounds to
10 believe, and did believe, at the time the information required to be disclosed under §
11 5-6B-02 of this [subtitle,] **SUBTITLE** was provided to the purchaser, [that the] **THAT:**

12 (I) **THE** statements were [true,] **TRUE;** and

13 (II) [that there] **THERE** was no omission to state a material fact
14 necessary to make the statements not misleading.

15 DRAFTER'S NOTE:

16 Error: Stylistic and grammatical errors in § 5-6B-03(d)(1) and (3) of the
17 Corporations and Associations Article.

18 Occurred: Chs. 833 and 834, Acts of 1986.

19 **Article – Courts and Judicial Proceedings**

20 3-819.

21 (c) In addition to any action under subsection [(b)(2)] **(B)(1)(III)** of this
22 section, the court may:

23 (1) (i) Place a child under the protective supervision of the local
24 department on terms the court considers appropriate;

25 (ii) Grant limited guardianship to the department or an
26 individual or both for specific purposes including medical and educational purposes or
27 for other appropriate services if a parent is unavailable, unwilling, or unable to
28 consent to services that are in the best interest of the child; or

29 (iii) Order the child and the child's parent, guardian, or
30 custodian to participate in rehabilitative services that are in the best interest of the
31 child and family; and

1 (vi) the act of the defendant was not the sole proximate cause of
2 the victim's death;

3 (vii) it is unlikely that the defendant will engage in further
4 criminal activity that would be a continuing threat to society; or

5 (viii) any other fact that the court or jury specifically sets forth in
6 writing as a mitigating circumstance in the case.

7 DRAFTER'S NOTE:

8 Error: Grammatical error in § 2-303(h)(2) of the Criminal Law Article.

9 Occurred: Ch. 26, Acts of 2002.

10 3-902.

11 (a) (5) (i) "Private place" means a room in which a person can
12 reasonably be expected to fully or partially disrobe and has a reasonable expectation of
13 privacy, in:

14 8. any part of a [day] **FAMILY CHILD** care home used for
15 the care and custody of a child; or

16 DRAFTER'S NOTE:

17 Error: Obsolete terminology in § 3-902(a)(5)(i)8 of the Criminal Law Article.

18 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
19 State Department of Education, Early Childhood Development Division, which is
20 responsible for early child care and education in the State. The correction is consistent
21 with the intent of similar conforming changes required to be made by the publisher of
22 the Annotated Code under Ch. 564, § 3, Acts of 2011.

23 3-903.

24 (b) This section does not apply to:

25 (6) any part of a private residence used for business purposes,
26 including any part of a private residence used as a [day] **FAMILY CHILD** care home for
27 the care and custody of a child;

28 DRAFTER'S NOTE:

29 Error: Obsolete terminology in § 3-903(b)(6) of the Criminal Law Article.

1 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
2 State Department of Education, Early Childhood Development Division, which is
3 responsible for early child care and education in the State. The correction is consistent
4 with the intent of similar conforming changes required to be made by the publisher of
5 the Annotated Code under Ch. 564, § 3, Acts of 2011.

6 **Article – Criminal Procedure**

7 10–231.1.

8 (c) (2) In accordance with [§§ 10–201 through 10–250 of] this subtitle, the
9 Central Repository shall forward to the prospective employee or volunteer and the
10 County Administrative Officer of Baltimore County or the designee of the officer the
11 prospective employee’s or volunteer’s criminal history record information.

12 DRAFTER’S NOTE:

13 Error: Extraneous language in § 10–231.1(c)(2) of the Criminal Procedure
14 Article.

15 Occurred: Chs. 27 and 28, Acts of 2009.

16 11–701.

17 (l) “Sex offender” means a person who has been convicted of:

18 (3) an offense in a court of Canada, Great Britain, Australia, New
19 Zealand, or any other foreign country [when] **WHERE** the United States Department
20 of State has determined in its Country Reports on Human Rights Practices that an
21 independent judiciary generally or vigorously enforced the right to a fair trial during
22 the year in which the conviction occurred that, if committed in this State, would
23 require the person to be classified as a tier I sex offender, tier II sex offender, or tier
24 III sex offender.

25 DRAFTER’S NOTE:

26 Error: Incorrect word usage in § 11–701(l)(3) of the Criminal Procedure Article.

27 Occurred: Chs. 174 and 175, Acts of 2010.

28 11–723.

29 (d) (3) The conditions of lifetime sexual offender supervision may include:

30 (ii) where appropriate and feasible, restricting a person from
31 living in proximity to or loitering near schools, family child care [centers] **HOMES**,
32 child care centers, and other places used primarily by minors;

1 DRAFTER'S NOTE:

2 Error: Obsolete terminology in § 11-723(d)(3)(ii) of the Criminal Procedure
3 Article.

4 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
5 State Department of Education, Early Childhood Development Division, which is
6 responsible for early child care and education in the State. The correction is consistent
7 with the intent of similar conforming changes required to be made by the publisher of
8 the Annotated Code under Ch. 564, § 3, Acts of 2011.

9 **Article – Education**

10 3–1001.

11 (b) School board district I consists of:

12 (1) Election district 10;

13 (2) Election district 1, precincts 1 through 7;

14 (3) Election district 14, precinct 8;

15 (4) Election district 21, precincts **[5] 14** and 97; **AND**

16 (5) That part of election district 14, precinct 11 that consists of:

17 (i) Census tract 8004.01, blocks 1000 through 1009, 1011
18 through 1013, and 1024;

19 (ii) Census tract 8004.10, blocks 2000 through 2008, 2012, 2013,
20 2015 through 2025, 2031 through 2035, 2081 through 2083, 2088, 3000 through 3004,
21 3008, 3013, 3034, 3035, 3044, 3045, 3048, 3049, 3051, and 3053 through 3055; and

22 (iii) Census tract 8004.11, blocks 1012 through 1020, 1034
23 through 1057, 1109, 1111, and 2000 through 2020[; and

24 (6) That part of election district 21, precinct 14 that consists of:

25 (i) Census tract 8073.01, blocks 1004, 1005, and 2000 through
26 2002;

27 (ii) Census tract 8073.04, blocks 1004 through 1016, 1019
28 through 1023, and 1027 through 1030;

1 (iii) Census tract 8073.05, blocks 1000, 1001, 2000, and 3057
2 through 3090; and

3 (iv) Census tract 8074.09, blocks 2017 through 2023].

4 (d) School board district III consists of:

5 (1) Election district 17;

6 (2) Election district 2, precinct 98;

7 (3) Election district 16, precincts 1 through 5 and 98;

8 (4) Election district 19, precinct 3; [and]

9 **(5) ELECTION DISTRICT 21, PRECINCT 5; AND**

10 **[(5)] (6)** That part of election district 21, precinct 12 that consists of
11 census tract 8064.00, block 1027.

12 (g) School board district VI consists of:

13 (1) Election district 6, precinct 19;

14 (2) Election district 7, precinct 12;

15 (3) Election district 13, precincts 1, 4 through 7, [and] 9 through **13,**
16 **15, AND 16;**

17 (4) Election district 18, precincts 1 through 4 and 6 through 11;

18 (5) Election district 20, precinct 3; and

19 (6) That part of election district 6, precinct 20 that consists of:

20 (i) Census tract 8022.04, blocks 1000, 1001, 1003 through 1009,
21 1014 through 1017, 2000 through 2002, 2004, 2005, 2007, 2018, 2019, and 3000
22 through 3022; and

23 (ii) Census tract 8024.04, blocks 3006, 3007, and 3021.

24 DRAFTER'S NOTE:

25 Error: Technical errors in descriptions of school board districts in § 3-1001(b),
26 (d), and (g) of the Education Article.

1 Occurred: Ch. 3, Acts of the First Special Session of 2011. Corrections are
2 technical in nature and are consistent with the intent of the General Assembly as
3 reflected in the map that creates the districts.

4 7–109.

5 (a) If the program and public school facility comply with the rules and
6 regulations of the Department [of Human Resources] that govern group [day] CHILD
7 care centers, each county board:

8 (1) Shall give priority to nonprofit [day] CHILD care programs for use
9 of public school facilities before and after school hours;

10 (2) May make space available during school hours; and

11 (3) May lease any part of public school property for the construction or
12 operation of a [day] CHILD care center if:

13 (i) The county board determines that the property will not be
14 needed for public school use during the term of the lease; and

15 (ii) The term of the lease is not greater than 20 years.

16 (b) Each county board shall adopt rules and regulations for implementing
17 this program that are consistent with the rules and regulations of the Department [of
18 Human Resources] that govern group [day] CHILD care centers.

19 (c) Any additional costs incurred in the administration or support of these
20 [day] CHILD care services shall be paid by the sponsoring organizations in accordance
21 with an annual agreement with the county board that made the facilities available.

22 DRAFTER'S NOTE:

23 Error: Obsolete terminology in § 7–109 of the Education Article.

24 Occurred: As a result of Ch. 585, Acts of 2005, which transferred responsibility
25 for day care programs from the Department of Human Resources to the State
26 Department of Education (defined as “Department” in the Education Article) and Ch.
27 564, Acts of 2011. Correction was suggested by the State Department of Education,
28 Early Childhood Development Division, and is consistent with the intent of similar
29 conforming changes required to be made by the publisher of the Annotated Code under
30 Ch. 564, § 3, Acts of 2011.

31 11–203.

1 (b) [Subject to subsection (d)(3)(ii)2 of this section, any] **ANY** bond or
2 guarantee required under this section shall be in the form and amount the Secretary
3 requires.

4 DRAFTER'S NOTE:

5 Error: Obsolete language in § 11–203(b) of the Education Article, as enacted by
6 Ch. 277, Acts of 2011.

7 Occurred: As a result of Ch. 277, § 5, Acts of 2011 which provides for the
8 termination of § 11–203(d)(3)(ii)2 of the Education Article, as enacted by Ch. 277, § 2,
9 Acts of 2011, at the end of June 30, 2013. Correction by the publisher of the Annotated
10 Code in the 2011 Supplement of the Education Article is ratified by this Act.

11 18–403.

12 If a Senator serves from a legislative district [comprised] **COMPOSED** of more
13 than one [county] **COUNTY**, the number of scholarship units shall be divided as
14 equally as possible among qualified applicants from each county in the legislative
15 district.

16 DRAFTER'S NOTE:

17 Error: Grammatical error in § 18–403 of the Education Article.

18 Occurred: Ch. 22, Acts of 1978.

19 18–604.

20 (a) For purposes of this section, an individual served in the Afghanistan or
21 Iraq conflict if the individual was a member of the [uniform] **UNIFORMED** services of
22 the United States who served in:

23 (1) Afghanistan or contiguous air space, as defined in federal
24 regulations, on or after October 24, 2001, and before a terminal date to be prescribed
25 by the United States Secretary of Defense; or

26 (2) Iraq or contiguous waters or air space, as defined in federal
27 regulations, on or after March 19, 2003, and before a terminal date to be prescribed by
28 the United States Secretary of Defense.

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 18–604(a) of the Education Article.

31 Occurred: Ch. 290, Acts of 2006.

1 18–705.

2 (c) (2) A recipient of a tuition assistance award under this section shall:

3 (i) Be selected by the Office of Student Financial Assistance
4 from qualified applicants based on competitive standards;

5 (ii) 1. Be enrolled as a:

6 [1.] A. Full–time student in an eligible program; or

7 [2.] B. Part–time student in an eligible program if the
8 student submits to the Office of Student Financial Assistance evidence of authorized
9 employment as a child care provider; or

10 [(iii)] 2. Sign a letter of intent to enroll at an eligible
11 institution as a:

12 [1.] A. Full–time student in an eligible program; or

13 [2.] B. Part–time student in an eligible program, if
14 evidence of authorized employment as a child care provider is submitted with the
15 letter of intent; and

16 [(iv)] (III) Satisfy any additional criteria the Office of Student
17 Financial Assistance may establish.

18 (4) [(i)] A recipient of tuition assistance may reapply for an award if
19 the recipient:

20 (I) 1. Remains enrolled as a full–time student in an eligible
21 program; or

22 2. Remains enrolled as a part–time student and
23 continues to hold authorized employment as a child care provider; and

24 (ii) Satisfies any additional criteria the Office of Student
25 Financial Assistance may establish.

26 DRAFTER’S NOTE:

27 Error: Tabulation errors in § 18–705(c)(2) and (4) of the Education Article.

28 Occurred: Ch. 462, Acts of 1991; Ch. 65, Acts of 2011.

29 23–205.

1 (b) (2) Before any money is spent under this subsection, the appropriate
2 board of library trustees shall:

3 (i) Have the project approved by the Department;

4 (ii) Through the Department, submit the request to the
5 Department of Budget and Management for consideration under [Subtitle 6, Title 3]
6 **TITLE 3, SUBTITLE 6** of the State Finance and Procurement Article; and

7 (iii) Agree to reimburse the Department an amount the
8 Department determines if the facility ceases to be used for a resource center or
9 cooperative service program.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 23–205(b)(2)(ii) of the Education Article.

12 Occurred: Ch. 540, Acts of 1989.

13 Article – Election Law

14 5–305.

15 (c) (1) The petition must be filed 6 days after the filing dates provided in
16 [§§ 5–303 and 5–703(c)] **§ 5–303 OF THIS SUBTITLE AND § 5–703(C)** of this title.

17 DRAFTER'S NOTE:

18 Error: Stylistic error in § 5–305(c)(1) of the Election Law Article.

19 Occurred: Ch. 169, Acts of 2011.

20 9–207.

21 (a) The State Board shall certify the content and arrangement of each ballot:

22 (1) for a primary election, no more than 11 days after the filing date
23 provided in § 5–303 of this [title] **ARTICLE**;

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 9–207(a)(1) of the Election Law Article.

26 Occurred: Ch. 169, Acts of 2011.

27 9–209.

1 (a) Within 2 days after the content and arrangement of the ballot are
2 certified under § 9–207 of this subtitle, a registered voter may seek judicial review of
3 the content and arrangement, or to correct any other error, by filing a sworn petition
4 with the circuit court for [the county] **ANNE ARUNDEL COUNTY**.

5 (b) The circuit court may require the [local board] **STATE BOARD** to:

6 (1) correct an error;

7 (2) show cause why an error should not be corrected; or

8 (3) take any other action required to provide appropriate relief.

9 (c) If an error is discovered after the ballots have been printed, and the [local
10 board] **STATE BOARD** fails to correct the error, a registered voter may seek judicial
11 review not later than the second Monday preceding the election.

12 DRAFTER'S NOTE:

13 Error: Erroneous entity designations in § 9–209 of the Election Law Article.

14 Occurred: As a result of Ch. 169, Acts of 2011, which, under § 9–207 of the
15 Election Law Article, consolidated responsibility for certifying the content and
16 arrangement of ballots in the State Board, headquartered in Anne Arundel County.
17 Correction recommended by the Attorney General in the Bill Review Letter for H.B.
18 671 (footnote 6), dated May 2, 2011.

19 10–310.

20 (c) (4) If the voter requires the assistance of another in [voting.] **VOTING**
21 but declines to select an individual to assist, an election judge, in the presence of
22 another election judge that represents another political party, shall assist the voter in
23 the manner prescribed by the voter.

24 DRAFTER'S NOTE:

25 Error: Extraneous comma in § 10–310(c)(4) of the Election Law Article.

26 Occurred: Ch. 585, Acts of 2011.

27 13–227.

28 (b) The limit on transfers set forth in subsection (c) of this section does not
29 apply to a transfer:

1 (1) by a campaign finance entity to a ballot issue committee; **AND**

2 (2) between or among:

3 (i) political committees that are State or local central
4 committees of the same political party;

5 (ii) a slate and the campaign finance entities of its members;
6 and

7 (iii) the campaign finance entities of a candidate.

8 DRAFTER'S NOTE:

9 Error: Omitted conjunction in § 13–227(b)(1) of the Election Law Article.

10 Occurred: Ch. 291, Acts of 2002.

11 Article – Environment

12 6–819.

13 (a) The modified risk reduction standard shall consist of performing the
14 following:

15 (2) Performing the following lead hazard reduction treatments:

16 (viii) [Ensure] **ENSURING** that all kitchen and bathroom floors
17 are overlaid with a smooth, water-resistant covering; and

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 6–819(a)(2)(viii) of the Environment Article.

20 Occurred: Ch. 114, Acts of 1994.

21 9–1605.2.

22 (h) (2) The Comptroller shall:

23 (i) Deposit 60% of the funds in the separate account to be used
24 for:

25 1. Subject to paragraph (3) of this subsection, with
26 priority first given to failing systems and holding tanks located in the Chesapeake and
27 Atlantic Coastal Bays Critical Area and then to failing systems that the Department

1 determines are a threat to public health or water quality, grants or loans for up to
2 100% of:

3 E. The cost, up to the sum of the costs authorized under
4 item 1C of this item for each individual system, of connecting a property using an
5 onsite sewage disposal system to an existing municipal wastewater facility that is
6 achieving enhanced nutrient removal level [treatment.] **TREATMENT; AND**

7 **DRAFTER'S NOTE:**

8 Error: Stylistic error in § 9–1605.2(h)(2)(i)1E of the Environment Article.

9 Occurred: Chs. 492 and 493, Acts of 2011.

10 15–1201.

11 (b) [“Mineral interest” means an interest in a mineral estate, however
12 created and regardless of form, whether absolute or fractional, divided or undivided,
13 corporeal or incorporeal, including a fee simple or any lesser interest or any kind of
14 royalty, production payment, executive right, nonexecutive right, leasehold, or lien in
15 minerals, regardless of character.

16 (c) “Mineral” includes:

17 (1) Gas;

18 (2) Oil and oil shale;

19 (3) Coal;

20 (4) Gaseous, liquid, and solid hydrocarbons;

21 (5) Cement materials, sand and gravel, road materials, and building
22 stone;

23 (6) Chemical substances;

24 (7) Gemstone, metallic, fissionable, and nonfissionable ores; and

25 (8) Colloidal and other clay, steam, and geothermal resources.

26 **(C) “MINERAL INTEREST” MEANS AN INTEREST IN A MINERAL ESTATE,**
27 **HOWEVER CREATED AND REGARDLESS OF FORM, WHETHER ABSOLUTE OR**
28 **FRACTIONAL, DIVIDED OR UNDIVIDED, CORPOREAL OR INCORPOREAL,**
29 **INCLUDING A FEE SIMPLE OR ANY LESSER INTEREST OR ANY KIND OF ROYALTY,**

1 **PRODUCTION PAYMENT, EXECUTIVE RIGHT, NONEXECUTIVE RIGHT,**
2 **LEASEHOLD, OR LIEN IN MINERALS, REGARDLESS OF CHARACTER.**

3 DRAFTER'S NOTE:

4 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
5 15–1201(b) and (c) of the Environment Article.

6 Occurred: Chs. 268 and 269, Acts of 2010.

7 **Article – Estates and Trusts**

8 4–409.

9 A legacy for charitable use may not be void because of an uncertainty with
10 respect to the donees if:

11 (2) A corporation is formed in accordance with the directions, capable
12 and willing to receive and administer the legacy, within 12 months from the probate of
13 the will, if the legacy is immediate and not subject to a life estate. If the legacy is
14 subject to a life [estate] **ESTATE**, a corporation shall be formed at a time between
15 probate of the will and the end of 12 months following the expiration of a life estate or
16 life estates.

17 DRAFTER'S NOTE:

18 Error: Omitted comma in § 4–409(2) of the Estates and Trusts Article.

19 Occurred: Ch. 11, Acts of 1974.

20 14–107.

21 (f) (2) (ii) A beneficiary who has a present interest in the trust estate
22 shall receive an amount equal to the present value of an annuity equal to the
23 beneficiary's proportionate share of the average net annual income of the trust as of its
24 last 3 anniversary dates for a term equal to the life expectancy of the beneficiary, at
25 the interest rate for valuing vested benefits provided by the Pension Benefit
26 [Guarantee] **GUARANTY** Corporation for the month immediately preceding the date of
27 which the notice under subsection (c)(1) of this section is sent.

28 DRAFTER'S NOTE:

29 Error: Misspelling in § 14–107(f)(2)(ii) of the Estates and Trusts Article.

30 Occurred: Ch. 170, 1991.

31 **Article – Family Law**

1 4-509.

2 (a) A person who fails to comply with the relief granted in an interim
3 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a
4 temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this
5 subtitle, or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or **[(e)] (F)** of
6 this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense,
7 to:

8 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
9 exceeding 90 days or both; and

10 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
11 imprisonment not exceeding 1 year or both.

12 DRAFTER'S NOTE:

13 Error: Erroneous cross reference in § 4-509(a) of the Family Law Article.

14 Occurred: As a result of Chs. 361 and 362, Acts of 2010.

15 Subtitle 1. **[Definition] DEFINITIONS.**

16 5-101.

17 (a) In this title the following words have the meanings indicated.

18 DRAFTER'S NOTE:

19 Error: Erroneous subtitle designation immediately preceding § 5-101 of the
20 Family Law Article.

21 Occurred: As a result of Ch. 464, Acts of 2005, which added several definitions
22 to § 5-101 of the Family Law Article.

23 12-201.

24 **[(i)] (i)** "Ordinary and necessary expenses" does not include amounts allowable
25 by the Internal Revenue Service for the accelerated component of depreciation
26 expenses or investment tax credits or any other business expenses determined by the
27 court to be inappropriate for determining actual income for purposes of calculating
28 child support.]

29 **[(j)] (I)** "Obligee" means any person who is entitled to receive child
30 support.

1 Occurred: Ch. 355, Acts of 1986.

2 8–303.

3 (b) Without limiting the authority conferred by subsection (a) of this section,
4 the Division Director may adopt regulations consistent with the provisions of this title
5 and Title 9 of this article with respect to:

6 (21) Reports which may be required by the **DIVISION** Director;

7 DRAFTER'S NOTE:

8 Error: Misnomer in § 8–303(b)(21) of the Financial Institutions Article.

9 Occurred: Ch. 282, Acts of 1986. Note: the term “Division Director” is defined for
10 Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

11 8–404.

12 Subject to the evaluation and reestablishment provisions of the Program
13 Evaluation Act, the provisions of this subtitle relating to the Division of Savings and
14 Loan Associations and relating to the [regulations] **REGULATION** of savings and loan
15 associations are of no effect and may not be enforced after July 1, 1992.

16 DRAFTER'S NOTE:

17 Error: Incorrect word usage in § 8–404 of the Financial Institutions Article.

18 Occurred: Ch. 384, Acts of 1990.

19 9–1005.

20 (a) Except as expressly permitted by federal law or Title 5, Subtitle 11 of this
21 article, a savings and loan association or savings and loan holding company that is not
22 a Maryland association, an interstate association, an out-of-state association, a
23 Maryland savings and loan holding company, [an out-of-state association,] or an
24 out-of-state savings and loan holding company may not acquire a Maryland
25 association, a Maryland savings and loan holding company, an interstate association,
26 or an out-of-state savings and loan holding company having a Maryland association
27 subsidiary.

28 (b) (2) A Maryland association, an interstate association, a Maryland
29 savings and loan holding company, or an out-of-state savings and loan holding
30 company may not be required to divest its deposit-taking offices in Maryland,
31 Maryland associations, or Maryland savings and loan holding companies if:

1 (i) An institution in another jurisdiction not within the region
2 is acquired under § 116 or § 123 of the Garn–St. Germain Depository Institutions Act
3 of 1982, as amended[,] OR 12 U.S.C. § 1823(f) [or 12 U.S.C. § 1730a(m), respectively];

4 DRAFTER’S NOTE:

5 Error: Extraneous language in § 9–1005(a) and obsolete cross–reference in §
6 9–1005(b)(2)(i) of the Financial Institutions Article.

7 Occurred: Ch. 544, Acts of 1990; obsolete cross–reference as a result of the
8 repeal of 12 U.S.C. § 1730a(m) (Pub. L. 101–73, Title IV, § 407, 103 Stat 363; August 9,
9 1989).

10 9–1006.

11 (b) An interstate association or an out–of–state savings and loan holding
12 company that controls a Maryland association, a Maryland savings and loan holding
13 company, an interstate association, or an out–of–state savings and loan holding
14 company having a Maryland association subsidiary shall:

15 (2) Within 30 days of adoption, file with the **DIVISION** Director a copy
16 of its most recently adopted federal Community Reinvestment Act statement; and

17 (c) Within 30 days of receipt, the association or holding company shall
18 submit to the **DIVISION** Director a copy of the public portion of its most recent
19 Community Reinvestment Act performance evaluation prepared by the federal
20 regulatory agency that examines the association or holding company, together with a
21 copy of any written response to the evaluation prepared by the association or holding
22 company for its public Community Reinvestment Act file.

23 (e) (1) Upon request, the **DIVISION** Director shall make available to the
24 public a copy of the documents submitted under subsections (b) and (c) of this section.

25 (2) The **DIVISION** Director may charge a reasonable fee to a person
26 requesting a copy to help defray the costs of providing copies of the documents to the
27 public.

28 DRAFTER’S NOTE:

29 Error: Misnomers in § 9–1006(b)(2), (c), and (e) of the Financial Institutions
30 Article.

31 Occurred: Ch. 395, Acts of 1991. Note: the term “Division Director” is defined for
32 Titles 8 and 9 of the Financial Institutions Article in § 8–101 of that article.

33 11–603.1.

- 1 1. 1 in 1983;
- 2 2. 4 in 1984;
- 3 3. 1 in 1985; and
- 4 4. 1 in 1986.

5 DRAFTER'S NOTE:

6 Error: Grammatical error in § 10–411(c)(2)(i) of the Health – General Article.

7 Occurred: Ch. 21, Acts of 1982. The provision above was renumbered and is now
8 codified as § 10–411(c)(2)(ii) as a result of Ch. 412, Acts of 1983. Correction by the
9 publisher of the Annotated Code in the 2011 Supplement of the Health – General
10 Article is ratified by this Act.

11 13–112.

12 (c) Before offering or performing a postscreening test on a newborn infant for
13 hereditary and congenital disorders under subsection **[(a)] (B)** of this section, a
14 laboratory shall:

15 (1) Obtain and maintain a license issued by the Secretary as required
16 by Title 17 of this article; and

17 (2) Meet all the standards and requirements for a laboratory to
18 perform tests on newborn infants for hereditary and congenital disorders that are
19 established by the Secretary.

20 DRAFTER'S NOTE:

21 Error: Erroneous internal reference in § 13–112(c) of the Health – General
22 Article.

23 Occurred: Ch. 256, Acts of 2008.

24 13–809.

25 On or before October 1 of each year, the Commission shall issue a report to the
26 Governor, the Secretary, and, subject to § 2–1246 of the State Government Article, the
27 General Assembly that:

28 (1) Describes its findings regarding:

1 (iii) The incentives and disincentives incorporated in the [rate
2 setting] RATE-SETTING methodologies utilized and proposed by the Mental Hygiene
3 Administration and the Developmental Disabilities Administration and how the
4 methodologies might be improved;

5 (iv) How incentives to provide quality of care can be built into a
6 [rate setting] RATE-SETTING methodology;

7 DRAFTER'S NOTE:

8 Error: Omitted hyphens in § 13-809(1)(iii) and (iv) of the Health – General
9 Article.

10 Occurred: Ch. 566, Acts of 1999.

11 15-304.

12 (b) (1) For purposes of this subsection, “community-based organization”
13 includes [day] CHILD care centers, schools, and school-based health clinics.

14 DRAFTER'S NOTE:

15 Error: Obsolete terminology in § 15-304(b)(1) of the Health – General Article.

16 Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the
17 State Department of Education, Early Childhood Development Division, which is
18 responsible for early child care and education in the State. The correction is consistent
19 with the intent of similar conforming changes required to be made by the publisher of
20 the Annotated Code under Ch. 564, § 3, Acts of 2011.

21 18-901.

22 (e) “Health care facility” has the meaning stated in [§ 19-114(e)(1)] §
23 19-114(D)(1) of this article.

24 DRAFTER'S NOTE:

25 Error: Erroneous cross-reference in § 18-901(e) of the Health – General Article.

26 Occurred: Ch. 1, Acts of 2002.

27 19-1409.

28 (b) The Oversight Committee shall consist of the following members:

1 (8) Three representatives of area agencies on aging, **ONE OF WHICH**
2 **SHALL BE A MEMBER OF A LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM**
3 **ESTABLISHED UNDER TITLE 10, SUBTITLE 9 OF THE HUMAN SERVICES**
4 **ARTICLE**, appointed by the Secretary of Aging;

5 DRAFTER'S NOTE:

6 Error: Unintended repeal of language and erroneous cross-reference in
7 § 19-1409(b)(8) of the Health – General Article.

8 Occurred: Ch. 65, Acts of 2011. Ch. 65, in attempting to correct an obsolete
9 statutory cross-reference consistent with Ch. 155, Acts of 2010, mistakenly repealed
10 the surrounding language referring to the “long-term care ombudsman program
11 established under § 10-213 of the Human Services Article”. The intent of Ch. 65 was
12 to correct the reference to “§ 10-213” of the Human Services Article, rendered
13 incorrect by Ch. 155, Acts of 2010, to be “Title 10, Subtitle 9” of the Human Services
14 Article. The section, as shown above, restores the mistakenly repealed language, but
15 corrects the erroneous statutory cross-reference. Correction by the publisher of the
16 Annotated Code in the 2011 Supplement of the Health – General Article is ratified by
17 this Act.

18 21-2A-04.

19 (b) The regulations adopted by the Secretary shall:

20 (5) Identify the mechanism by which prescription monitoring data are
21 disclosed to a person, in accordance with [§ 21-2A-07] **§ 21-2A-06** of this subtitle;

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 21-2A-04(b)(5) of the Health – General
24 Article.

25 Occurred: Ch. 166, Acts of 2011. Correction suggested by the Attorney General
26 in the Bill Review Letter for S.B. 883 (footnote 11), dated May 9, 2011.

27 24-505.

28 This subtitle does not apply to:

29 (1) Private homes, residences, including residences used as a business
30 or place of employment, unless being used by a person who is licensed or registered
31 under **TITLE 5**, Subtitle 5 of the Family Law Article to provide [day care or] child
32 care, and private vehicles, unless being used for the public transportation of children,
33 or as part of health care or [day] **CHILD** care transportation;

1 DRAFTER'S NOTE:

2 Error: Incomplete cross-reference; obsolete terminology in § 24-505(1) of the
3 Health – General Article.

4 Occurred: As a result of Ch 564, Acts of 2011. Correction was suggested by the
5 State Department of Education, Early Childhood Development Division, which is
6 responsible for early child care and education in the State. The correction is consistent
7 with the intent of similar conforming changes required to be made by the publisher of
8 the Annotated Code under Ch. 564, § 3, Acts of 2011.

9 **Article – Health Occupations**

10 4-205.

11 (a) In addition to the powers set forth elsewhere in this title, the Board may:

12 (7) Establish committees from among its members to facilitate and
13 assist the Board in discharging its duties and responsibilities under this title by
14 evaluating, reviewing, and making [recommendation] **RECOMMENDATIONS** to the
15 Board on matters referred to the committees by the Board. The committees
16 established shall include, but may not be limited to:

17 (i) A nominations committee;

18 (ii) A regulations committee;

19 (iii) A committee on dental hygiene composed of 3 dental
20 hygienists, 1 dentist, and 1 consumer to which the Board shall refer all matters within
21 the Board's jurisdiction under this title relating to or affecting the practice of dental
22 hygiene for the committee's evaluation, review, and recommendation;

23 (iv) A disciplinary committee; and

24 (v) Such other committees as the Board considers appropriate.

25 DRAFTER'S NOTE:

26 Error: Grammatical error in § 4-205(a)(7) of the Health Occupations Article.

27 Occurred: Ch. 564, Acts of 1992.

28 4-207.

29 (e) (1) In addition to the provisions of subsection (d) of this section, the
30 Board shall fund:

1 (i) The budget of a [dentist rehabilitation] **DENTAL**
 2 **WELL-BEING** committee, as defined in § 4-501.1 of this title, with fees set, collected,
 3 and distributed to the Fund under this title; and

4 (ii) The budget of a dental [hygienist rehabilitation] **HYGIENE**
 5 **WELL-BEING** committee, as defined in § 4-508 of this title, with fees set, collected,
 6 and distributed to the Fund under this title.

7 (2) After review and approval by the Board of a budget submitted by
 8 the Maryland State Dental Association for a [dentist rehabilitation] **DENTAL**
 9 **WELL-BEING** committee, the Board may allocate moneys from the Fund to the
 10 [dentist rehabilitation] **DENTAL WELL-BEING** committee.

11 (3) After review and approval by the Board of a budget submitted by
 12 the Maryland Dental Hygienists' Association for a dental [hygienist rehabilitation]
 13 **HYGIENE WELL-BEING** committee, the Board may allocate moneys from the Fund to
 14 a dental [hygienist rehabilitation] **HYGIENE WELL-BEING** committee.

15 **DRAFTER'S NOTE:**

16 Error: Obsolete terminology in § 4-207(e) of the Health Occupations Article.

17 Occurred: As a result of Ch. 542, Acts of 2010.

18 4-308.

19 (d) (1) While it is effective, a temporary volunteer dentist's license issued
 20 under this title authorizes the licensee to practice dentistry:

21 (ii) [1.] If [the]:

22 1. **THE** dentist holds a general license to practice
 23 dentistry in another state that permits clinical practice and the dentist is not subject
 24 to clinical restrictions; and

25 2. The dentist has:

26 A. Passed the North East [Board] Regional **BOARD**
 27 Clinical Examination; or

28 **DRAFTER'S NOTE:**

29 Error: Tabulation error in § 4-308(d)(1)(ii)1 and misnomer in §
 30 4-308(d)(1)(ii)2A of the Health Occupations Article.

31 Occurred: Chs. 496 and 497, Acts of 2011.

1 (h) (1) While it is effective, a temporary volunteer dental hygienist's
2 license issued under this title authorizes the licensee to practice dental hygiene:

3 (iii) In addition to holding a general license to practice dental
4 hygiene, if the dental hygienist:

5 1. Provides documentation as required by the Board
6 which evidences that the dental hygienist passed the North East Regional **BOARD**
7 Clinical Examination; or

8 **DRAFTER'S NOTE:**

9 Error: Misnomer in § 4-308(h)(1)(iii)1 of the Health Occupations Article.

10 Occurred: Chs. 496 and 497, Acts of 2011.

11 12-6C-01.

12 [(p) (1) "Prescription drug" means any drug required by federal law or
13 regulation to be dispensed only by a prescription.

14 (2) "Prescription drug" includes:

15 (i) A biological product; and

16 (ii) Finished dosage forms and bulk drug substances subject to §
17 503(b) of the Federal Food, Drug, and Cosmetic Act.

18 (3) "Prescription drug" does not include blood and blood components
19 intended for transfusion or biological products that are also medical devices.]

20 [(q)(P) "Prescription device" means any device required by federal law or
21 regulation to be dispensed only by a prescription.

22 **(Q) (1) "PRESCRIPTION DRUG" MEANS ANY DRUG REQUIRED BY
23 FEDERAL LAW OR REGULATION TO BE DISPENSED ONLY BY A PRESCRIPTION.**

24 **(2) "PRESCRIPTION DRUG" INCLUDES:**

25 **(I) A BIOLOGICAL PRODUCT; AND**

26 **(II) FINISHED DOSAGE FORMS AND BULK DRUG
27 SUBSTANCES SUBJECT TO § 503(B) OF THE FEDERAL FOOD, DRUG, AND
28 COSMETIC ACT.**

1 **(3) “PRESCRIPTION DRUG” DOES NOT INCLUDE BLOOD AND**
2 **BLOOD COMPONENTS INTENDED FOR TRANSFUSION OR BIOLOGICAL PRODUCTS**
3 **THAT ARE ALSO MEDICAL DEVICES.**

4 DRAFTER’S NOTE:

5 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
6 12–6C–01(p) and (q) of the Health Occupations Article.

7 Occurred: Chs. 352 and 353, Acts of 2007.

8 14–411.

9 **(E) ON OR BEFORE JANUARY 1, 2012, THE BOARD, THE SECRETARY,**
10 **AND THE HEALTH SERVICES COST REVIEW COMMISSION JOINTLY SHALL**
11 **ADOPT REGULATIONS FOR THE EFFICIENT AND SECURE TRANSFER, UNDER**
12 **SUBSECTION (D)(2) OF THIS SECTION, OF ANY INFORMATION IN A RECORD THAT**
13 **MAY INDICATE THAT AN INVESTIGATION OF AN ENTITY REGULATED BY THE**
14 **OFFICE OF HEALTH CARE QUALITY OR THE HEALTH SERVICES COST REVIEW**
15 **COMMISSION MAY BE APPROPRIATE.**

16 **(F) SUBSECTION (D)(2) OF THIS SECTION MAY NOT BE CONSTRUED TO**
17 **ALTER THE AUTHORITY OF THE SECRETARY UNDER § 1–203(A) OF THIS**
18 **ARTICLE OR § 2–106(C) OF THE HEALTH – GENERAL ARTICLE.**

19 **[(e)] (G) (1)** The Board shall notify all hospitals, health maintenance
20 organizations, or other health care facilities where a physician or an allied health
21 professional regulated by the Board has privileges, has a provider contract with a
22 health maintenance organization, or is employed of a complaint or report filed against
23 that physician, if:

24 (i) The Board determines, in its discretion, that the hospital,
25 health maintenance organization, or health care facility should be informed about the
26 report or complaint;

27 (ii) The nature of the complaint suggests a reasonable
28 possibility of an imminent threat to patient safety; or

29 (iii) The complaint or report was as a result of a claim filed in
30 the Health Care Alternative Dispute Resolution Office and a certificate of a qualified
31 expert is filed in accordance with § 3–2A–04(b)(1) of the Courts Article.

32 (2) The Board shall disclose any information pertaining to a
33 physician’s competency to practice medicine contained in record to a committee of a
34 hospital, health maintenance organization, or other health care facility if:

1 (i) The committee is concerned with physician discipline and
2 requests the information in writing; and

3 (ii) The Board has received a complaint or report pursuant to
4 paragraph (1)(i) and (ii) of this subsection on the licensed physician on whom the
5 information is requested.

6 (3) The Board shall, after formal action is taken pursuant to § 14–406
7 of this subtitle, notify those hospitals, health maintenance organizations, or health
8 care facilities where the physician has privileges, has a provider contract with a health
9 maintenance organization, or is employed of its formal action within 10 days after the
10 action is taken and shall provide the hospital, health maintenance organization, or
11 health care facility with periodic reports as to enforcement or monitoring of a formal
12 disciplinary order against a physician within 10 days after receipt of those reports.

13 **[(f)] (H)** On the request of a person who has made a complaint to the Board
14 regarding a physician, the Board shall provide the person with information on the
15 status of the complaint.

16 **[(g)] (I)** Following the filing of charges or notice of initial denial of license
17 application, the Board shall disclose the filing to the public.

18 **[(h)] (J)** The Board may disclose any information contained in a record to a
19 licensing or disciplinary authority of another state if:

20 (1) The licensing or disciplinary authority of another state that
21 regulates licensed physicians in that state requests the information in writing; and

22 (2) The disclosure of any information is limited to the pendency of an
23 allegation of a ground for disciplinary or other action by the Board until:

24 (i) The Board has passed an order under § 14–406 of this
25 subtitle; or

26 (ii) A licensed physician on whom the information is requested
27 authorizes a disclosure as to the facts of an allegation or the results of an investigation
28 before the Board.

29 **[(i)] (K)** The Board may disclose any information contained in a record to a
30 person if:

31 (1) A licensed physician on whom any information is requested
32 authorizes the person to receive the disclosure;

33 (2) The person requests the information in writing; and

34 (3) The authorization for the disclosure is in writing.

1 **[(j)] (L)** The Board may disclose any information contained in a record to
2 the State Medical Assistance Compliance Administration, the Secretary of the U.S.
3 Department of Health and Human Services or the Secretary's designee, or any health
4 occupational regulatory board if:

5 (1) (i) The State Medical Assistance Compliance Administration or
6 any health occupational regulatory board requests the information in writing; or

7 (ii) The Secretary of the U.S. Department of Health and Human
8 Services or the Secretary's designee is entitled to receive the information or have
9 access to the information under 42 U.S.C. § 1396r-2;

10 (2) (i) The Board has issued an order under § 14-406 of this
11 subtitle; or

12 (ii) An allegation is pending before the Board; and

13 (3) The Board determines that the requested information is necessary
14 for the proper conduct of the business of that administration or board.

15 **[(k)] (M)** If the Board determines that the information contained in a record
16 concerns possible criminal activity, the Board shall disclose the information to a law
17 enforcement or prosecutorial official.

18 **[(l)] (N)** The Board may permit inspection of records for which inspection
19 otherwise is not authorized by a person who is engaged in a research project if:

20 (1) The researcher submits to the executive director and the Board
21 approves a written request that:

22 (i) Describes the purpose of the research project;

23 (ii) Describes the intent, if any, to publish the findings;

24 (iii) Describes the nature of the requested personal records;

25 (iv) Describes the safeguards that the researcher would take to
26 protect the identity of the persons in interest; and

27 (v) States that persons in interest will not be contacted unless
28 the executive director approves and monitors the contact;

29 (2) The executive director is satisfied that the proposed safeguards
30 will prevent the disclosure of the identity of persons in interest; and

1 (3) The researcher makes an agreement with the executive director
2 that:

3 (i) Defines the scope of the research project;

4 (ii) Sets out the safeguards for protecting the identity of the
5 persons in interest; and

6 (iii) States that a breach of any condition of the agreement is a
7 breach of contract.

8 **[(m)] (O)** On the request of a person who has testified in a Board or Office of
9 Administrative Hearings proceeding, the Board shall provide to the person who
10 testified a copy of the portion of the transcript of that person's testimony.

11 **[(n)] (P)** (1) The Board may publish a summary of any allegations of
12 grounds for disciplinary or other action.

13 (2) A summary may not identify:

14 (i) Any person who makes an allegation to the Board or any of
15 its investigatory bodies;

16 (ii) A licensed physician about whom an allegation is made; or

17 (iii) A witness in an investigation or a proceeding before the
18 Board or any of its investigatory bodies.

19 **[(o)] (Q)** The Board shall disclose information in a record upon the request
20 of the Governor, Secretary, or Legislative Auditor, in accordance with § 2-1223(a) of
21 the State Government Article. However, the Governor, Secretary, or Auditor, or any of
22 their employees may not disclose personally identifiable information from any of these
23 records which are otherwise confidential by law.

24 **[(p)] (R)** This section does not apply to:

25 (1) Any disclosure of a record by the Board to any of its investigatory
26 bodies; or

27 (2) A licensee, certificate holder, or registration holder who has been
28 charged under this title or a party to a proceeding before the Board who claims to be
29 aggrieved by the decision of the Board.

30 **[(q)] (S)** If any information contained in any medical or hospital document
31 or any other exhibit is otherwise open for disclosure under law, the use of that
32 document or exhibit in any record of the Board or any of its investigatory bodies does
33 not prevent its disclosure in any other proceeding.

1 DRAFTER'S NOTE:

2 Error: Stylistic error (failure to renumber subsection designations following
3 enactment of new subsections (e) and (f)) in § 14–411(e) through (q) of the Health
4 Occupations Article.

5 Occurred: Chs. 308 and 309, Acts of 2011. Correction by the publisher of the
6 Annotated Code in the 2011 Supplement of the Health Occupations Article is ratified
7 by this Act.

8 **Article – Insurance**

9 4–405.

10 (b) In addition to the information required under subsection (a) of this
11 section, for each claim filed with the Director of the Health Care Alternative Dispute
12 Resolution Office under § 3–2A–04 of the Courts Article, each insurer providing
13 professional liability insurance to a health care provider in the State shall submit to
14 the Commissioner the following information:

15 (12) if **THE** case was tried to verdict, the amount of noneconomic
16 damages; and

17 DRAFTER'S NOTE:

18 Error: Omitted article in § 4–405(b)(12) of the Insurance Article.

19 Occurred: Ch. 1, Acts of 2005.

20 5–101.

21 (a) In determining the financial condition of an insurer, the following assets
22 that the insurer owns shall be allowed as admitted assets:

23 (3) in an amount not exceeding the cash surrender value of each
24 individual policy:

25 (ii) accrued interest that is 90 days or more past due on each
26 asset listed in [subitem] **ITEM** (i) of this item;

27 (4) in an amount not exceeding the policy reserve on each individual
28 policy:

29 (ii) accrued interest that is 90 days or more past due on the
30 asset listed in [subitem] **ITEM** (i) of this item;

1 (11) electronic data processing equipment and operating system
2 software amortized over a period of not more than 3 calendar years, to the extent it
3 does not exceed 3% of the insurer's capital and surplus as required to be shown on
4 [their] **THE INSURER'S** statutory financial statement, adjusted to exclude deferred
5 tax assets and net positive [good will] **GOODWILL**;

6 (13) positive [good will] **GOODWILL** recorded under the statutory
7 purchase method of accounting:

8 (i) to the extent that it does not exceed 10% of the parent
9 insurer's capital and surplus, as required to be shown on the statutory balance sheet,
10 excluding any net positive [good will] **GOODWILL**, electronic data processing
11 equipment, operating system software, and net deferred tax assets; and

12 (ii) amortized over a period of not more than 10 calendar years;

13 **DRAFTER'S NOTE:**

14 Error: Stylistic errors in § 5-101(a)(3)(ii) and (4)(ii) of the Insurance Article;
15 grammatical error in § 5-101(a)(11) of the Insurance Article; and incorrect word usage
16 in § 5-101(a)(11) and (13)(i) of the Insurance Article.

17 Occurred: Ch. 36, Acts of 1995 (stylistic error) and Ch. 332, Acts of 2001
18 (multiple errors).

19 5-608.

20 (e) (2) The reserve investments of an insurer may include obligations that
21 are not in default as to principal or interest, that are issued, assumed, or guaranteed
22 by a solvent institution created or existing under the laws of the United States or a
23 state, and that qualify under any of the following [subparagraphs] **ITEMS**:

24 (i) subject to paragraph (3) of this subsection, the obligations
25 are secured by adequate collateral security and bear fixed interest, and, during each of
26 any 3, including either of the last 2, of the 5 fiscal years immediately preceding the
27 date of acquisition by the insurer, the net earnings available for fixed charges of the
28 issuing, assuming, or guaranteeing institution must have been not less than one and
29 one-quarter times the total of the institution's fixed charges for the year;

30 (ii) subject to paragraph (3) of this subsection, the obligations,
31 at the date of acquisition by the insurer, are adequately secured and have investment
32 qualities and characteristics in which speculative elements are not predominant;

33 (iii) the obligations bear fixed interest and are other than those
34 described in [subparagraph] **ITEM** (i) of this paragraph, and the net earnings available
35 for fixed charges of the issuing, assuming, or guaranteeing institution:

1 1. for a period of 5 fiscal years immediately preceding
2 the date of acquisition by the insurer, must have averaged each year not less than one
3 and one-half times the institution's average annual fixed charges applicable to the
4 period; and

5 2. during the last year of the 5-year period, must have
6 been not less than one and one-half times the institution's fixed charges for the year;
7 or

8 (iv) the obligations are adjustment, income, or other contingent
9 interest obligations, and the net earnings available for fixed charges of the issuing,
10 assuming, or guaranteeing institution for a period of 5 fiscal years immediately
11 preceding the date of acquisition by the insurer:

12 1. must have averaged each year not less than one and
13 one-half times the sum of the institution's average annual fixed charges plus the
14 institution's average annual maximum contingent interest applicable to the period;
15 and

16 2. during each of the last 2 years of the 5-year period,
17 must have been not less than one and one-half times the sum of the institution's fixed
18 charges plus maximum contingent interest for the year.

19 (n) (1) The reserve investments of an insurer may include real estate only
20 if the real estate:

21 (i) consists of the land and the building on the land in which
22 the insurer has its principal office;

23 (ii) is necessary for the insurer's convenient accommodation in
24 transacting business;

25 (iii) is acquired to satisfy loans, mortgages, liens, judgments,
26 decrees, or other debts previously owed to the insurer in the course of business;

27 (iv) is acquired as partial payment of the consideration for the
28 sale of real property owned by the insurer if the transaction causes a net reduction in
29 the investment of the insurer in real property; or

30 (v) is additional real property and equipment incident to real
31 property that is necessary or convenient to enhance the market value of real property
32 previously acquired or held by the insurer under [subparagraph] ITEM (iii) or (iv) of
33 this paragraph.

1 (2) Unless the Commissioner certifies that the interests of the insurer
2 will suffer materially by a forced sale of the real property and the Commissioner
3 extends the time for disposal of the real property in the certificate:

4 (i) real property acquired under [subparagraphs (i) and (ii) of
5 paragraph (1)] **PARAGRAPH (1)(I) AND (II)** of this subsection must be disposed of
6 within 5 years after the real property ceases to be necessary for the convenient
7 accommodation of the insurer in transacting business; and

8 (ii) real property acquired under [subparagraphs (iii) and (iv) of
9 paragraph (1)] **PARAGRAPH (1)(III) AND (IV)** of this subsection must be disposed of
10 within 5 years after the date of acquisition.

11 **DRAFTER'S NOTE:**

12 Error: Stylistic errors in § 5–608(e)(2)(iii) and (n)(1)(v) and (2)(i) and (ii) of the
13 Insurance Article.

14 Occurred: Ch. 36, Acts of 1995.

15 7–405.

16 (c) (1) In determining whether a proposed acquisition subject to this
17 subtitle would violate subsection (a)(1)(i) of this section, the Commissioner shall
18 consider an acquisition that involves two or more insurers, including insurers under
19 common ownership, management, or control, that compete in the same product and
20 geographical market to be prima facie evidence of violation of subsection (a)(1)(i) of
21 this section if the acquiring and acquired insurers, their affiliates, or the person
22 resulting from a merger:

23 (i) have a share of the market that exceeds the total of the two
24 columns in the table under item (ii) of this [subparagraph] **PARAGRAPH**, if more than
25 two insurers are parties to the acquisition; or

26 **DRAFTER'S NOTE:**

27 Error: Stylistic error in § 7–405(c)(1)(i) of the Insurance Article.

28 Occurred: Ch. 36, Acts of 1995.

29 8–301.

30 (f) (1) “Plan” means a fund or other arrangement that is established,
31 maintained, or contributed to by an employer, employee organization, or both, to the
32 extent that the fund or arrangement was established or is maintained for the purpose
33 of:

1 (i) providing for participants or beneficiaries, any of whom are
2 residents of the State, through the purchase of insurance or otherwise:

3 5. [day] CHILD care centers;

4 DRAFTER'S NOTE:

5 Error: Obsolete language in § 8–301(f)(1)(i)5 of the Insurance Article.

6 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
7 State Department of Education, Early Childhood Development Division, which is
8 responsible for early child care and education in the State. The correction is consistent
9 with the intent of similar conforming changes required to be made by the publisher of
10 the Annotated Code under Ch. 564, § 3, Acts of 2011.

11 9–217.

12 (b) The Commissioner is not obligated personally or in an official capacity to
13 repay a loan made under this [subsection] SECTION.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 9–217(b) of the Insurance Article.

16 Occurred: Ch. 11, Acts of 1996.

17 14–106.

18 (d) (2) (i) Except as provided in subparagraph (ii) of this paragraph,
19 the support provided under paragraph (1)(iv) and (v) of this subsection to the
20 [Community Health Resources Commission and the] Kidney Disease Program AND
21 **THE COMMUNITY HEALTH RESOURCES COMMISSION, RESPECTIVELY**, shall be
22 the value of the premium tax exemption less the subsidy required under this
23 subsection for the Senior Prescription Drug Assistance Program.

24 DRAFTER'S NOTE:

25 Error: Stylistic error (terms placed out of proper order with respect to
26 corresponding cross–references) in § 14–106(d)(2)(i) of the Insurance Article.

27 Occurred: Ch. 397, Acts of 2011.

28 14–504.

29 (a) (2) The Fund is a [special] **SPECIAL**, nonlapsing fund that is not
30 subject to § 7–302 of the State Finance and Procurement Article.

1 DRAFTER'S NOTE:

2 Error: Omitted comma in § 14–504(a)(2) of the Insurance Article.

3 Occurred: Ch. 153, Acts of 2002.

4 15–1216.

5 (c) (2) The Board shall include representation from carriers whose
6 principal business in health insurance [is comprised of] **COMPRISES** small employers
7 and, to the extent possible, at least one nonprofit health service plan, at least one
8 commercial carrier, and at least one health maintenance organization.

9 DRAFTER'S NOTE:

10 Error: Grammatical error in § 15–1216(c)(2) of the Insurance Article.

11 Occurred: Ch. 35, Acts of 1997.

12 27–613.

13 (c) (3) The notice must state in clear and specific terms:

14 (viii) that the Commissioner shall order the insurer to pay
15 reasonable [attorney] **ATTORNEY'S** fees incurred by the insured for representation at
16 the hearing if the Commissioner finds that:

17 1. the actual reason for the proposed action is not stated
18 in the notice or the proposed action is not in accordance with § 27–501 of this title, the
19 insurer's filed rating plan, its underwriting standards, or the lawful terms and
20 conditions of the policy related to a cancellation, nonrenewal, or reduction in coverage;
21 and

22 2. the insurer's conduct in maintaining or defending the
23 proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide
24 dispute.

25 (h) (3) If the Commissioner finds that the actual reason for the proposed
26 action is not stated in the notice or the proposed action is not in accordance with §
27 27–501 of this title, the insurer's filed rating plan, its underwriting standards, or the
28 lawful terms and conditions of the policy related to a cancellation, nonrenewal, or
29 reduction in coverage, the Commissioner shall:

30 (ii) order the insurer to pay reasonable [attorney] **ATTORNEY'S**
31 fees incurred by the insured for representation at the hearing if the Commissioner
32 finds that the insurer's conduct in maintaining or defending the proceeding was in bad
33 faith or the insurer acted willfully in the absence of a bona fide dispute.

1 DRAFTER'S NOTE:

2 Error: Grammatical errors in § 27-613(c)(3)(viii) and (h)(3)(ii) of the Insurance
3 Article.

4 Occurred: Ch. 35, Acts of 1997, which enacted § 27-613(c)(3)(viii) as §
5 27-605(b)(3)(viii) and § 27-613(h)(3)(ii) as § 27-605(f)(3)(ii).

6 27-614.

7 (c) (5) The notice must state in clear and specific terms:

8 (vii) that the Commissioner shall order the insurer to pay
9 reasonable [attorney] **ATTORNEY'S** fees incurred by the insured for representation at
10 a hearing if the Commissioner finds that:

11 1. the actual reason for the proposed action is not stated
12 in the notice or the proposed action is not in accordance with this article or the
13 insurer's filed rating plan; and

14 2. the insurer's conduct in maintaining or defending the
15 proceeding was in bad faith or the insurer acted willfully in the absence of a bona fide
16 dispute.

17 (e) (3) If the Commissioner finds that the actual reason for the proposed
18 action is not stated in the notice or the proposed action is not in accordance with the
19 insurer's filed rating plan or this article, the Commissioner shall:

20 (ii) order the insurer to pay reasonable [attorney] **ATTORNEY'S**
21 fees incurred by the insured for representation at the hearing if the Commissioner
22 finds that the insurer's conduct in maintaining or defending the proceeding was in bad
23 faith or the insurer acted willfully in the absence of a bona fide dispute.

24 DRAFTER'S NOTE:

25 Error: Grammatical errors in § 27-614(c)(5)(vii) and (e)(3)(ii) of the Insurance
26 Article.

27 Occurred: Ch. 350, Acts of 2006, which enacted § 27-614(c)(5)(vii) as §
28 27-605.1(c)(5)(vii) and § 27-614(e)(3)(ii) as § 27-605.1(e)(3)(ii).

29 31-101.

30 (j) "Qualified employer" means a small employer that elects to make its
31 full-time employees **AND, AT THE OPTION OF THE EMPLOYER, SOME OR ALL OF**
32 **ITS PART-TIME EMPLOYEES** eligible for one or more qualified health plans offered

1 through the SHOP Exchange [and, at the option of the employer, some or all of its
2 part-time employees], provided that the employer:

3 (1) has its principal place of business in the State and elects to provide
4 coverage through the SHOP Exchange to all of its eligible employees, wherever
5 employed; or

6 (2) elects to provide coverage through the SHOP Exchange to all of its
7 eligible employees who are principally employed in the State.

8 DRAFTER'S NOTE:

9 Error: Grammatical error in § 31-101(j) of the Insurance Article.

10 Occurred: Chs. 1 and 2, Acts of 2011.

11 Article – Labor and Employment

12 3-502.

13 (a) (1) Each employer:

14 (i) shall set regular pay periods; and

15 (ii) except as provided in paragraph (2) of this subsection, shall
16 pay each employee at least once in every 2 weeks or twice in each month.

17 (2) An employer may pay an administrative, executive, or professional
18 employee less frequently than required under paragraph (1)(ii) of this subsection.

19 (b) If the regular payday of an employee is a nonworkday, an employer shall
20 pay the employee on the preceding workday.

21 (c) Each employer shall pay a wage:

22 (1) in United States currency; or

23 (2) by a check that, on demand, is convertible at face value into United
24 States currency.

25 (d) [(1) (i) Subject to subparagraph (ii) of this paragraph, a county or
26 municipal corporation may:

27 1. pay the wage of an employee by direct deposit as
28 provided in paragraph (2) of this subsection; and

1 2. require an employee to receive the payment of wages
2 by direct deposit as a condition of employment.

3 (ii) A county or municipal corporation may not require the
4 payment of wages by direct deposit for an employee:

5 1. who was hired before October 1, 2011, unless the
6 county or municipal corporation, before October 1, 2011, required by local law,
7 regulation, or collective bargaining agreement, the payment of wages by direct deposit;

8 2. whose employment is not conditioned on the employee
9 receiving the payment of wages by direct deposit; or

10 3. who:

11 A. does not have a personal bank account; and

12 B. informs the employee's employer that the employee
13 wishes to opt out of direct deposit.

14 (iii) If a county or municipal corporation elects to pay wages by
15 direct deposit, an employee who is not required to receive the payment of wages by
16 direct deposit may elect to receive the payment of wages by direct deposit in
17 accordance with paragraph (3) of this subsection.

18 (2) If a county or municipal corporation elects to pay the wages of its
19 employees by direct deposit, the county or municipal corporation shall:

20 (i) provide an employee who is required or elects to receive the
21 payment of wages by direct deposit with an electronic fund transfer authorization
22 form;

23 (ii) deposit the wage of an employee into a personal bank
24 account selected by the employee on the electronic fund transfer authorization form;
25 and

26 (iii) each time the county or municipal corporation pays the wage
27 of an employee by direct deposit, provide the employee with a direct deposit statement
28 that includes:

29 1. the total amount of the wage;

30 2. any amount deducted from the wage; and

31 3. the amount of the wage directly deposited into the
32 personal bank account selected by the employee.

1 (3) (i) An employee who is required or elects to receive the
2 payment of wages by direct deposit shall complete and submit to the county or
3 municipal corporation the electronic fund transfer authorization form provided to the
4 employee under paragraph (2) of this subsection.

5 (ii) An employee who is required or elects to receive the
6 payment of wages by direct deposit shall select a personal bank account for the direct
7 deposit of the employee's wages that is at a financial institution that participates in
8 the automated clearing house network.

9 (iii) Subject to subparagraph (ii) of this paragraph, an employee
10 may change the personal bank account or the financial institution designated on an
11 electronic fund transfer authorization form by completing and submitting a new
12 electronic fund transfer authorization form to the county or municipal corporation.

13 (e)] (1) In this subsection, "employer" includes a governmental unit.

14 (2) An employer may not print or cause to be printed an employee's
15 Social Security number on the employee's wage payment check, an attachment to an
16 employee's wage payment check, a notice of direct deposit of an employee's wage, or a
17 notice of credit of an employee's wage to a debit card or card account.

18 [[f)] (E) This section does not prohibit the:

19 (1) direct deposit of the wage of an employee into a personal bank
20 account of the employee in accordance with an authorization of the employee; or

21 (2) credit of the wage of an employee to a debit card or card account
22 from which the employee is able to access the funds through withdrawal, purchase, or
23 transfer if:

24 (i) authorized by the employee; and

25 (ii) any fees applicable to the debit card or card account are
26 disclosed to the employee in writing in at least 12 point font.

27 [[g)] (F) An agreement to work for less than the wage required under this
28 subtitle is void.

29 DRAFTER'S NOTE:

30 Error: Codification error in § 3-502(d) of the Labor and Employment Article.

31 Occurred: Ch. 324, Acts of 2011. The provisions of § 3-502(d) of the Labor and
32 Employment Article, as enacted by Ch. 324, Acts of 2011 were erroneously codified in
33 the Labor and Employment Article, which is not generally applicable to governmental
34 entities. The codification error is being corrected in this Act by transferring the

1 provisions codified under § 3–502(d) of the Labor and Employment Article to Article 24
2 of the Annotated Code, which contains provisions applicable to the political
3 subdivisions of the State. Correction suggested by the Attorney General in the Bill
4 Review Letter for H.B. 233 of 2011 (footnote 2), dated April 26, 2011. See also Drafter’s
5 Note to Article 24, § 1–112 of the Code, as enacted by this Act.

6 3–710.

7 (d) (7) If the employer fails to comply with an order issued for a
8 subsequent violation against the same employee under paragraph (3) of this
9 subsection within 3 years after the employee filed a complaint that is determined to be
10 a violation under **THIS** subsection [(d) of this section], the employee may bring an
11 action to enforce the order in the circuit court in the county where the employer is
12 located.

13 DRAFTER’S NOTE:

14 Error: Stylistic error in § 3–710(d)(7) of the Labor and Employment Article.

15 Occurred: Ch. 612, Acts of 2011.

16 3–711.

17 (d) (5) (ii) On receipt of a request for a hearing under [item]
18 **SUBPARAGRAPH** (i) of this paragraph, the Commissioner shall schedule a hearing.

19 (iii) If a hearing is not requested under [item] **SUBPARAGRAPH**
20 (i) of this paragraph, the order to pay a civil penalty becomes a final order of the
21 Commissioner.

22 DRAFTER’S NOTE:

23 Error: Stylistic errors in § 3–711(d)(5)(ii) and (iii) of the Labor and Employment
24 Article.

25 Occurred: Ch. 29, Acts of 2011.

26 3–907.

27 (b) (2) The requirement for compliance with applicable labor laws under
28 [subsection (b)(1)(ii)] **PARAGRAPH (1)(II)** of this [section] **SUBSECTION** may include
29 requiring the employer to enter into an agreement, within 45 days after the final
30 order, with a governmental unit for payment of any amounts owed by the employer to
31 the unit.

1 1. Served as a crew member to a tidal fish licensee or a
2 person that holds a commercial fishing license issued by another state or the federal
3 government;

4 2. Held a Maryland Provisional Chesapeake Bay
5 Charter Boat Permit in accordance with § 4–210.2 of this title;

6 3. Held a tidal fish license and has not permanently
7 transferred a tidal fish license within the past 24 months in accordance with § 4–701(i)
8 of this subtitle;

9 4. Held a temporary transfer of a tidal fish license;

10 5. Harvested fish from the waters of the Exclusive
11 Economic Zone and landed the fish in the State;

12 6. Holds a commercial fishing license issued by another
13 state or the federal government; **[and] OR**

14 7. Held a commercial fishing license issued by another
15 state or the federal government.

16 DRAFTER'S NOTE:

17 Error: Erroneous conjunction in § 4–701.1(g)(6)(i) of the Natural Resources
18 Article.

19 Occurred: Ch. 86, Acts of 2011. Correction recommended by the Attorney
20 General in the Bill Review Letter for S.B. 720 of 2011 (footnote 6), dated April 11,
21 2011.

22 4–742.

23 (e) The Secretary of the **[Department of the]** Environment may delegate
24 authority to impose restrictions, or remove restrictions no longer required. These
25 actions, however, shall be reported and consented to by the Secretary.

26 DRAFTER'S NOTE:

27 Error: Misnomer in § 4–742(e) of the Natural Resources Article.

28 Occurred: Ch. 4, Acts of First Special Session of 1973.

29 4–1037.

1 A person may not catch or attempt to catch soft-shell clams with a hydraulic
2 clam dredge or any other gear except hand-held tools, such as shovels and hoes, in the
3 following areas:

4 (3) Except for the William Preston Lane, Jr. Memorial Bridge and its
5 parallel span, the Governor Thomas Johnson Memorial Bridge, and the area of the
6 Choptank River Bridge that is within Talbot County, within 50 feet of any bulkhead,
7 structure, wharf, pier, or piling that is erected in, over, or under the waters of the
8 State under a permit granted by the State or federal [governments] **GOVERNMENT**;

9 DRAFTER'S NOTE:

10 Error: Incorrect word usage in § 4-1037(3).

11 Occurred: Ch. 4, Acts of First Special Session of 1973.

12 **Article – Public Safety**

13 2-509.

14 (a) The Director shall create a population data base [comprised] **COMPOSED**
15 of DNA samples collected under this subtitle.

16 DRAFTER'S NOTE:

17 Error: Grammatical error in § 2-509(a) of the Public Safety Article.

18 Occurred: Ch. 458, Acts of 1994.

19 2-510.

20 A match obtained between an evidence sample and a data base entry may
21 [only] be used **ONLY** as probable cause and is not admissible at trial unless confirmed
22 by additional testing.

23 DRAFTER'S NOTE:

24 Error: Grammatical error in § 2-510 of the Public Safety Article.

25 Occurred: Ch. 458, Acts of 1994.

26 **SUBTITLE 7. FREEDOM OF ASSOCIATION AND ASSEMBLY PROTECTION ACT.**

27 3-701.

28 (a) (1) In this section the following words have the meanings indicated.

1 DRAFTER'S NOTE:

2 Error: Omitted subtitle designation immediately preceding § 3–701 of the Public
3 Safety Article.

4 Occurred: Chs. 492 and 493, Acts of 2009.

5 5–103.

6 This subtitle does not affect:

7 (1) a sale or transfer for bona fide resale **OF A REGULATED FIREARM**
8 in the ordinary course of business of a licensee; or

9 DRAFTER'S NOTE:

10 Error: Omitted words in § 5–103(1) of the Public Safety Article.

11 Occurred: Ch. 5, Acts of 2003.

12 11–116.

13 (a) (2) Paragraph (1) of this subsection does not apply to a person who
14 neither intended to use nor used the explosives involved in violation of:

15 (v) § 3–218, § 3–305(c)(2), § 3–409(a) or (c), § 3–803(b), §
16 3–807(i), § 3–808(d), § 3–811(c), § 8–801, § 8–802, § 9–602(e), § 11–702(d)(8), [§
17 11–703(d)(5)(iii), § 11–706(b)(8),] § 11–708(d)(7)(ii), § 11–711(h)(2), § 11–712(c)(6)(ii),
18 [§ 11–714(c)(6),] § 11–715(g)(2), § 11–716(h)(2), § 11–723(b)(8), or § 11–726 of the
19 Correctional Services Article;

20 DRAFTER'S NOTE:

21 Error: Obsolete cross–references in § 11–116(a)(2)(v) of the Public Safety
22 Article.

23 Occurred: As a result of Ch. 422, Acts of 1999.

24 Article – Public Utilities

25 7–211.

26 (h) (5) (iii) 2. On request by the electric company and for good cause
27 shown, the Commission may waive the requirement that the electric company
28 competitively select heating, ventilation, air conditioning, or refrigeration providers
29 under [item] **SUBSUBPARAGRAPH** 1 of this subparagraph.

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 7–211(h)(5)(iii)2 of the Public Utilities Article.

3 Occurred: Ch. 333, Acts of 2009.

4 10–104.

5 (d) (2) On or [before] **AFTER** July 1, 2002, an individual applying for a
6 taxicab license or renewal of a taxicab license, shall submit proof of having
7 successfully completed a course approved by the Commission that includes in the
8 curriculum:

9 (i) courteous treatment of passengers;

10 (ii) geography and map reading for the jurisdiction in which the
11 taxicab services will be provided; and

12 (iii) tourist information for the jurisdiction in which taxicab
13 services will be provided.

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 10–104(d)(2) of the Public Utilities Article.

16 Occurred: Ch. 539, Acts of 2000. Correction is consistent with the bill title and
17 synopsis of Ch. 539, Acts of 2000 (S.B. 552) and conforms to the practices followed by
18 the Public Service Commission's Transportation Division since the enactment of Ch.
19 539, Acts of 2000. Correction suggested by the Public Service Commission.

20 **Article – Real Property**

21 7–105.9.

22 (b) (1) In addition to any other notice required to be given by this Code or
23 the Maryland Rules, the person authorized to make a sale in an action to foreclose a
24 mortgage or deed of trust on residential property shall send, at the same time as the
25 notice required [by § 7–105.1(d)(2)(ix)] **UNDER § 7–105.1(F)(2)** of this subtitle, a
26 written notice addressed to “all occupants” at the address of the residential property in
27 substantially the following form:

28 “IMPORTANT NOTICE

29 A foreclosure action has been filed against the property located at (insert
30 address) in the circuit court for (insert name of county). This notice is being sent to you
31 as a person who lives in this property.

1 A foreclosure sale of the property may occur at any time after 45 days from the
2 date of this notice.

3 Most renters have the right to continue renting the property after it is sold at
4 foreclosure. The foreclosure sale purchaser becomes the new landlord.

5 Most renters with a lease for a specific period of time have the right to continue
6 renting the property until the end of the lease term. Most month-to-month renters
7 have the right to continue renting the property for 90 days after receiving a written
8 notice to vacate from the new owner.

9 You should get legal advice to determine if you have these rights.

10 Below you will find the name, address, and telephone number of the person
11 authorized to sell the property. You may contact this person to notify him or her that
12 you are a tenant at the property and to find out more about the sale. For further
13 information, you may review the file in the office of the clerk of the circuit court. You
14 also may contact the Maryland Department of Housing and Community Development,
15 at (insert telephone number), or consult the Department's website, (insert website
16 address), for assistance.

17 Person authorized to sell the property:

18 _____
19 Name

20 _____
21 Address

22 _____
23 Telephone

24 _____
25 Date of this notice”.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross reference in § 7-105.9(b)(1) of the Real Property Article.

28 Occurred: As a result of Ch. 355, Acts of 2011, which repealed § 7-105.1
29 (d)(2)(ix), including the specific contents of a required notice, and amended §
30 7-105.1(f)(2) to provide when the notice is to be made and to require that it be in the
31 form prescribed by regulation.

32 8A-401.

1 (a) A park owner may increase a park fee only if [he] **THE PARK OWNER**
2 delivers to each resident a notice in [writing,] **WRITING** of the increase at least 30
3 days before the effective date of the increased park fee.

4 (b) If a park owner fails to so notify a resident affected by the increase, [he]
5 **THE PARK OWNER** may not collect the increased amount of the park fee from the
6 resident.

7 **DRAFTER'S NOTE:**

8 Error: Stylistic errors and extraneous comma in § 8A-401 of the Real Property
9 Article.

10 Occurred: Ch. 843, Acts of 1980.

11 8A-403.

12 (a) A park owner may charge the resident a reasonable service fee, based on
13 an amount that the park owner directly incurs, for installing, placing [on or removal
14 of] **ON, OR REMOVING** a mobile home from the site.

15 **DRAFTER'S NOTE:**

16 Error: Grammatical error in § 8A-403(a) of the Real Property Article.

17 Occurred: Ch. 843, Acts of 1980.

18 8A-406.

19 A park owner shall provide to a [resident] **RESIDENT**, on request, a written
20 receipt for a park fee or other financial transaction between the park owner and
21 resident.

22 **DRAFTER'S NOTE:**

23 Error: Omitted comma in § 8A-406 of the Real Property Article.

24 Occurred: Ch. 843, Acts of 1980.

25 8A-1101.

26 (a) A park owner may only evict a resident for:

27 (1) Nonpayment of rent; or

28 (2) **[Violations] THE FOLLOWING VIOLATIONS:**

1 (i) Making or causing to be made, with knowledge, any false or
2 misleading statement on an application for tenancy;

3 (ii) Violation of a federal, State, or local law that is detrimental
4 to the safety and welfare of other residents in the park; or

5 (iii) Repeated violation of any rule or provision of the rental
6 agreement occurring within a 6-month period.

7 DRAFTER'S NOTE:

8 Error: Grammatical error in § 8A-1101(a) of the Real Property Article.

9 Occurred: Ch. 843, Acts of 1980.

10 Subtitle 13. Retaliatory [Evictions] **ACTIONS.**

11 8A-1301.

12 (a) (1) For any reason listed in paragraph (2) of this subsection, a park
13 owner may not:

14 (i) Bring or threaten to bring an action for possession against a
15 resident;

16 (ii) Arbitrarily increase the rent or decrease the services to
17 which a resident has been entitled; or

18 (iii) Terminate a periodic tenancy.

19 DRAFTER'S NOTE:

20 Error: Incorrect word usage in subtitle designation immediately preceding §
21 8A-1301(a)(1) of the Real Property Article.

22 Occurred: As a result of Chs. 264 and 265, Acts of 2011. Correction by the
23 publisher of the Annotated Code in the 2011 Supplement of the Real Property Article
24 is ratified by this Act.

25 11-109.

26 (d) The council of unit owners may be either incorporated as a nonstock
27 corporation or unincorporated and it is subject to those provisions of Title 5, Subtitle 2
28 of the Corporations and Associations Article which are not inconsistent with this title.
29 The council of unit owners has, subject to any provision of this title, and except as

1 provided in [paragraph] ITEM (22) of this subsection, the declaration, and bylaws, the
2 following powers:

3 (22) To designate parking for individuals with disabilities,
4 notwithstanding any provision in the declaration, bylaws, or rules and regulations.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 11–109(d) of the Real Property Article.

7 Occurred: Ch. 610, Acts of 1997.

8 11B–111.

9 Except as provided in this title, and notwithstanding anything contained in any
10 of the documents of the homeowners association:

11 (1) Subject to the provisions of [paragraph] ITEM (4) of this section, all
12 meetings of the homeowners association, including meetings of the board of directors
13 or other governing body of the homeowners association or a committee of the
14 homeowners association, shall be open to all members of the homeowners association
15 or their agents;

16 (3) (i) This [paragraph] ITEM does not apply to any meeting of a
17 governing body that occurs at any time before the lot owners, other than the developer,
18 have a majority of votes in the homeowners association, as provided in the declaration;

19 (ii) Subject to [subparagraph] ITEM (iii) of this [paragraph]
20 ITEM and to reasonable rules adopted by a governing body, a governing body shall
21 provide a designated period of time during a meeting to allow lot owners an
22 opportunity to comment on any matter relating to the homeowners association;

23 (iii) During a meeting at which the agenda is limited to specific
24 topics or at a special meeting, the lot owners' comments may be limited to the topics
25 listed on the meeting agenda; and

26 (iv) The governing body shall convene at least one meeting each
27 year at which the agenda is open to any matter relating to the homeowners
28 association;

29 (5) If a meeting is held in closed session under [paragraph] ITEM (4) of
30 this section:

31 (i) An action may not be taken and a matter may not be
32 discussed if it is not permitted by [paragraph] ITEM (4) of this section; and

1 (ii) A statement of the time, place, and purpose of a closed
2 meeting, the record of the vote of each board or committee member by which the
3 meeting was closed, and the authority under this section for closing a meeting shall be
4 included in the minutes of the next meeting of the board of directors or the committee
5 of the homeowners association.

6 DRAFTER'S NOTE:

7 Error: Stylistic errors in § 11B–111 of the Real Property Article.

8 Occurred: Ch. 321, Acts of 1987 and Chs. 440 and 564, Acts of 1998.

9 Article – State Finance and Procurement

10 4–604.

11 For all improvements, grounds, and multiservice centers under the jurisdiction
12 of the Department, the responsibilities of the Department include:

13 (8) controlling pedestrian and vehicular traffic, including establishing
14 [of] speed limits and parking and impoundment regulations for parking garages,
15 surface parking lots, roads, and sidewalks that are owned or leased by the State and
16 that are within the improvements, grounds, and multiservice centers.

17 DRAFTER'S NOTE:

18 Error: Extraneous word in § 4–604(8) of the State Finance and Procurement
19 Article.

20 Occurred: Ch. 11, Acts of 1985.

21 12–301.

22 (b) (3) The payments and the total contract amount due under an energy
23 performance contract or, in the case of a capital lease used to finance energy
24 performance contracts, the capital lease [payments,] **PAYMENTS** may not exceed the
25 actual energy savings realized as a result of the contract's performance.

26 DRAFTER'S NOTE:

27 Error: Extraneous comma in § 12–301(b)(3) of the State Finance and
28 Procurement Article.

29 Occurred: Ch. 163, Acts of 2011.

30 14–303.

1 (a) (1) (ii) The Board shall keep a record of information regarding any
 2 waivers requested in accordance with [§ 14–302(a)(5)(i)] **§ 14–302(A)(6)(I)** of this
 3 subtitle and subsection (b)(8) of this section and submit a copy of the record to the
 4 General Assembly on or before October 1 of each year, in accordance with § 2–1246 of
 5 the State Government Article.

6 (b) These regulations shall include:

7 (8) consistent with [§ 14–302(a)(5)] **§ 14–302(A)(6)** of this subtitle,
 8 provisions relating to any circumstances under which a unit may waive obligations of
 9 the contractor relating to minority business enterprise participation;

10 DRAFTER’S NOTE:

11 Error: Erroneous cross–references in § 14–303(a)(1)(ii) and (b)(8) of the State
 12 Finance and Procurement Article.

13 Occurred: As a result of Chs. 252 and 253, Acts of 2011.

14 **Article – State Government**

15 9–120.

16 (b) (1) Promptly after the 1st day of each month, the Comptroller shall
 17 pay:

18 (i) into the Maryland Stadium Facilities Fund the money that
 19 remains in the State Lottery Fund from the proceeds of the [sports] lotteries
 20 conducted for the benefit of the Maryland Stadium Authority, after the distribution
 21 under subsection (a) of this section; and

22 DRAFTER’S NOTE:

23 Error: Obsolete language in § 9–120(b)(1)(i) of the State Government Article.

24 Occurred: As a result of Ch. 521, Acts of 1999, which repealed the number and
 25 type (“sports”) of lotteries requested to be conducted by the Maryland Stadium
 26 Authority. Correction suggested by Assistant Attorney General Kathryn Rowe, Office
 27 of the Counsel to the General Assembly, in a memorandum dated July 18, 2011.

28 9–1A–01.

29 (u) (2) (ii) After the first fiscal year of operations, the exclusion
 30 specified in subparagraph (i) of this paragraph may not exceed a percentage
 31 established by the Commission by regulation of the proceeds received in the prior
 32 fiscal year by the video lottery operation licensee under § 9–1A–27(a)(2) **AND**
 33 **(B)(1)(II)** of this subtitle.

1 DRAFTER'S NOTE:

2 Error: Omitted cross-reference in § 9-1A-01(u)(2)(ii) of the State Government
3 Article.

4 Occurred: As a result of Ch. 240, Acts of 2011.

5 9-1A-09.1.

6 (d) (1) If an agreement described in subsection (c) **OF THIS SECTION** is
7 not reached by July 1, 2011, a potential party to an agreement shall be eligible for
8 funding under §§ 9-1A-28 and 9-1A-29 of this subtitle if the party indicates to the
9 Secretary, in writing, its consent to participate in the process described in this
10 subsection.

11 DRAFTER'S NOTE:

12 Error: Stylistic error in § 9-1A-09.1(d)(1) of the State Government Article.

13 Occurred: Ch. 412, Acts of 2011.

14 10-616.

15 (p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this
16 subsection, a custodian shall disclose personal information:

17 (xv) for use by a procurement organization requesting
18 information under [§ 4-512] **§ 4-516** of the Estates and Trusts Article for the
19 purposes of organ, tissue, and eye donation.

20 DRAFTER'S NOTE:

21 Error: Erroneous cross-reference in § 10-616(p)(5)(xv) of the State Government
22 Article.

23 Occurred: As a result of Ch. 541, Acts of 2011. Correction by the publisher of the
24 Annotated Code in the 2011 Supplement of the State Government Article is ratified by
25 this Act.

26 15-102.

27 (m) (2) "Executive unit" includes:

28 (i) a county health department unless the officials and
29 employees of the department are expressly designated as "local officials" in § 15-807 of
30 this title;

- 1 (ii) the office of the sheriff in each county;
- 2 (iii) the office of the State's Attorney in each county; **AND**
- 3 (iv) the Liquor Control Board for Somerset County[; and
- 4 (v) the Worcester County Department of Liquor Control].

5 **DRAFTER'S NOTE:**

6 Error: Obsolete language in § 15–102(m)(2) of the State Government Article.

7 Occurred: As a result of Ch. 304, Acts of 2011, which established the
8 Department of Liquor Control as a department of the Worcester County government,
9 thereby rendering the Department no longer subject to the Public Ethics Law
10 applicable to units of State Government.

11 **Article – State Personnel and Pensions**

12 21–307.

13 (f) For an employee of the Maryland Environmental Service who is a
14 member of the Employees' Retirement System or the [Pension System for Employees]
15 **EMPLOYEES' PENSION SYSTEM**, the Maryland Environmental Service shall pay to
16 the Board of Trustees the employer contributions otherwise required to be made by the
17 State on behalf of the member.

18 **DRAFTER'S NOTE:**

19 Error: Misnomer in § 21–307(f) of the State Personnel and Pensions Article.

20 Occurred: Ch. 6, § 2, Acts of 1994, which enacted the error in § 21–307(g) of the
21 State Personnel and Pensions Article, now § 21–307(f) of the State Personnel and
22 Pensions Article as a result of Ch. 334, Acts of 2007.

23 22–406.

24 (c) (9) (iii) 2. If the Board of Trustees and the State Department of
25 Education agree that a superintendent of a local school system has rehired an
26 individual that does not satisfy the criteria provided in [paragraph (4)(v) or (vi) and
27 (5), (6), or (8)] **PARAGRAPHS (4)(V) AND (5), PARAGRAPHS (4)(VI) AND (6), OR**
28 **PARAGRAPH (8)** of this subsection:

1 A. on or before July 1 of the year of the finding, the
2 Board of Trustees shall notify the superintendent of the local school system of this
3 individual; and

4 B. the local school system shall reimburse the Board of
5 Trustees the amount equal to the reduction to the individual's retirement allowance
6 that would have been made in paragraph (2) of this subsection.

7 DRAFTER'S NOTE:

8 Error: Stylistic error and erroneous internal reference in § 22-406(c)(9)(iii)2 of
9 the State Personnel and Pensions Article.

10 Occurred: Ch. 499, Acts of 2005.

11 23-307.

12 (a) (1) Except as provided in subsection (b) of this section, in the year of
13 retirement, a member of the Employees' Pension System may purchase credit for
14 eligibility service of up to 10 years for periods of employment described in paragraph
15 **[(4)] (3)** of this subsection for which the member is not otherwise entitled to service
16 credit.

17 DRAFTER'S NOTE:

18 Error: Erroneous internal reference in § 23-307(a)(1) of the State Personnel and
19 Pensions Article.

20 Occurred: Ch. 493, § 2, Acts of 2005.

21 23-407.

22 (c) (9) (iii) 2. If the Board of Trustees and the State Department of
23 Education agree that a superintendent of a local school system has rehired an
24 individual that does not satisfy the criteria provided in [paragraph(4)(iv) or (v) and (5),
25 (6), or (8)] **PARAGRAPHS (4)(IV) AND (5), PARAGRAPHS (4)(V) AND (6), OR**
26 **PARAGRAPH (8)** of this subsection:

27 A. on or before July 1 of the year of the finding, the
28 Board of Trustees shall notify the superintendent of the local school system of this
29 individual; and

30 B. the local school system shall reimburse the Board of
31 Trustees the amount equal to the reduction to the individual's retirement allowance
32 that would have been made in paragraph (2) of this subsection.

33 DRAFTER'S NOTE:

1 Error: Stylistic error and erroneous internal reference in § 23–407(c)(9)(iii)2 of
2 the State Personnel and Pensions Article.

3 Occurred: Ch. 499, Acts of 2005.

4 24–401.1.

5 (c) (2) (ii) Except for the Secretary of State Police, a member of the
6 State Police Retirement System is eligible to participate in the DROP if the member:

7 1. has at least 25 years and [not] less than 29 years of
8 eligibility service; and

9 DRAFTER’S NOTE:

10 Error: Extraneous word in § 24–401.1(c)(2)(ii)1 of the State Personnel and
11 Pensions Article.

12 Occurred: Ch. 397, Acts of 2011.

13 **Article – Tax – General**

14 11–206.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) [“Food for immediate consumption” means:

17 (i) food obtained from a salad, soup, or dessert bar;

18 (ii) party platters;

19 (iii) heated food;

20 (iv) sandwiches suitable for immediate consumption; or

21 (v) ice cream, frozen yogurt, and other frozen desserts, sold in
22 containers of less than 1 pint.

23 (3) [“Facility for food consumption” does not include parking spaces for
24 vehicles as the sole accommodation.

25 [(4)] (3) (i) “Food” means food for human consumption.

26 (ii) “Food” includes the following foods and their products:

- 1 fruit juices, and tea;
- 2
- 3 1. beverages, including coffee, coffee substitutes, cocoa,
- 4 2. condiments;
- 5 3. eggs;
- 6 4. fish, meat, and poultry;
- 7 5. fruit, grain, and vegetables;
- 8 6. milk, including ice cream; and
- 9 7. sugar.

10 (iii) "Food" does not include:

- 11 1. an alcoholic beverage as defined in § 5-101 of this
- 12 article;
- 13 2. a soft drink or carbonated beverage; or
- 14 3. candy or confectionery.

15 **(4) "FOOD FOR IMMEDIATE CONSUMPTION" MEANS:**

16 **(I) FOOD OBTAINED FROM A SALAD, SOUP, OR DESSERT**

17 **BAR;**

18 **(II) PARTY PLATTERS;**

19 **(III) HEATED FOOD;**

20 **(IV) SANDWICHES SUITABLE FOR IMMEDIATE**

21 **CONSUMPTION; OR**

22 **(V) ICE CREAM, FROZEN YOGURT, AND OTHER FROZEN**

23 **DESSERTS, SOLD IN CONTAINERS OF LESS THAN 1 PINT.**

24 (5) "Premises" includes any building, grounds, parking lot, or other

25 area that:

26 (i) a food vendor owns or controls; or

27 (ii) another person makes available primarily for the use of the

patrons of 1 or more food vendors.

1 DRAFTER'S NOTE:

2 Error: Omitted language in § 12–108(y)(1)(ii) of the Tax – Property Article.

3 Occurred: Ch. 692, Acts of 2000.

4 (aa) An instrument of writing pursuant to which the Maryland Stadium
5 Authority transfers title to, or creates a leasehold interest in, real property **IS NOT**
6 **SUBJECT TO RECORDATION TAX** if the transferee or lessee is an Authority affiliate
7 as defined in § 10–601 of the Economic Development Article.

8 DRAFTER'S NOTE:

9 Error: Omitted language in § 12–108(aa) of the Tax – Property Article.

10 Occurred: Ch. 185, Acts of 2000.

11 Article – Transportation

12 4–312.

13 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
14 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may [be
15 continued] **CONTINUE** to be charged on the John F. Kennedy Expressway and any
16 project constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue
17 bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in § 4–312(a)(1) of the Transportation Article.

20 Occurred: Ch. 941, Acts of 1978. The name of the “John F. Kennedy
21 Expressway” as shown in the provision being amended above has been changed since
22 that provision was first enacted and now appears in § 4–312(a) of the Transportation
23 Article as the “John F. Kennedy Memorial Highway”. Correction by the publisher of
24 the Annotated Code in the 2011 Supplement of the Transportation Article is ratified
25 by this Act.

26 11–117.

27 (a) “Educational purposes” includes those activities of schools certified by the
28 Department of Education, activities of centers for individuals with an intellectual
29 disability and physically handicapped individuals, church schools, Sunday schools and
30 church related functions, [day] **CHILD** care centers, day camps, or summer camps, or
31 any other activity that provides some educational experience for its participants.

1 DRAFTER'S NOTE:

2 Error: Obsolete terminology in § 11–117(a) of the Transportation Article.

3 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
4 State Department of Education, Early Childhood Development Division, which is
5 responsible for early child care and education in the State. The correction is consistent
6 with the intent of similar conforming changes required to be made by the publisher of
7 the Annotated Code under Ch. 564, § 3, Acts of 2011.

8 15–101.

9 (g) (2) “Vehicle salesman” does not include:

10 (ii) An individual acting as a representative of a person
11 described in subsection [(b)(3)] **(C)(3)** of this section;

12 DRAFTER'S NOTE:

13 Error: Erroneous internal reference in § 15–101(g)(2)(ii) of the Transportation
14 Article.

15 Occurred: As a result of Ch. 25, § 13, Acts of 2005.

16 16–111.2.

17 (e) A licensee shall pay a fee established by the Administration if[:

18 (1) The] **THE** license is issued or renewed under § 16–104.1 of this
19 subtitle[; and

20 (2) The licensee presents proof to the Administration that immediately
21 before the conversion of the license under § 16–104 of this subtitle, the licensee was
22 qualified to operate vehicles of the same class].

23 DRAFTER'S NOTE:

24 Error: Obsolete language in § 16–111.2(e) of the Transportation Article.

25 Occurred: As a result of Ch. 65, Acts of 2011, which repealed § 16–104 of the
26 Transportation Article. Former § 16–104 of the Transportation Article applied to
27 licenses “issued on or before December 31, 1989”, and the Motor Vehicle
28 Administration advised that there were no licenses still in circulation that the
29 provision would have affected.

30 16–115.

1 (e) If a licensee is absent from this State for cause, other than as provided in
2 subsection (d) of this section, and is unable to renew [his] **THE LICENSEE'S** license in
3 the manner required by this section, the licensee may renew by mail to the
4 Administration. The renewal application shall be accompanied by the prescribed fee
5 and a statement giving the reason for and the expected length of the absence. On
6 receipt of the application, the Administration may issue a regular license which bears
7 a photo or a notation that it is valid without a photo until 15 days after the licensee
8 first returns to this State.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 16–115(e) of the Transportation Article.

11 Occurred: Ch. 14, Acts of 1977.

12 16–122.

13 (a) (2) The Administration may not issue or renew an identification card,
14 moped operator's permit, or license to drive under paragraph [(a)(1)(ii)] **(1)(II)** of this
15 subsection on or after July 1, 2015.

16 (3) An identification card, moped operator's permit, or license to drive
17 issued or renewed under paragraph [(a)(1)(ii)] **(1)(II)** of this subsection on or after
18 July 1, 2010, shall expire on July 1, 2015.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 16–122(a)(2) and (3) of the Transportation Article.

21 Occurred: Ch. 60, Acts of 2009.

22 16–205.1.

23 (b) (3) If the person refuses to take the test or takes a test which results
24 in an alcohol concentration of 0.08 or more at the time of testing, the police officer
25 shall:

26 (viii) Within 72 hours after the issuance of the order of
27 suspension, send any confiscated driver's license, copy of the suspension order, and a
28 sworn statement to the Administration, that states:

29 3. The person was fully advised of the administrative
30 sanctions that shall be imposed, including the fact that a person who refuses to take
31 the test or takes a test that indicates an alcohol concentration of 0.15 or more at the
32 time of testing is ineligible for modification of a suspension or issuance of a restrictive
33 license under subsection [(o)] **(N)** of this section.

1 DRAFTER'S NOTE:

2 Error: Erroneous internal reference in § 16–205.1(b)(3)(viii)3 of the
3 Transportation Article.

4 Occurred: Chs. 556 and 557, Acts of 2011. Correction recommended by the
5 Attorney General in the Bill Review Letter for S.B. 803 of 2011 and H.B. 1276 of 2011,
6 dated May 13, 2011.

7 22–412.1.

8 Every motor vehicle that is used by nursery schools, camps, day nurseries, or
9 [day] **CHILD** care centers for children with an intellectual disability to transport
10 children shall be equipped with seat belts for each seat and shall be subject to any
11 other regulations adopted by the Administration, unless the motor vehicle:

12 (1) Is a Type I school vehicle; or

13 (2) Was formerly registered as a Type I school vehicle.

14 DRAFTER'S NOTE:

15 Error: Obsolete terminology in § 22–412.1 of the Transportation Article.

16 Occurred: As a result of Ch. 564, Acts of 2011. Correction was suggested by the
17 State Department of Education, Early Childhood Development Division, which is
18 responsible for early child care and education in the State. The correction is consistent
19 with the intent of similar conforming changes required to be made by the publisher of
20 the Annotated Code under Ch. 564, § 3, Acts of 2011.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
22 read as follows:

23 **Article – Transportation**

24 23–202.

25 (b) (3) (i) In this paragraph, “qualified hybrid vehicle” [has the
26 meaning stated in § 13–815(a)(6) of this article] **MEANS AN AUTOMOBILE THAT:**

27 **1. MEETS ALL APPLICABLE REGULATORY**
28 **REQUIREMENTS;**

1 **2. MEETS THE CURRENT VEHICLE EXHAUST**
2 **STANDARD SET UNDER THE FEDERAL TIER 2 PROGRAM FOR**
3 **GASOLINE-POWERED PASSENGER CARS UNDER 40 C.F.R. PART 80 ET SEQ.; AND**

4 **3. CAN DRAW PROPULSION ENERGY FROM BOTH OF**
5 **THE FOLLOWING SOURCES OF STORED ENERGY:**

6 **A. GASOLINE OR DIESEL FUEL; AND**

7 **B. A RECHARGEABLE ENERGY STORAGE SYSTEM.**

8 **DRAFTER'S NOTE:**

9 Error: Obsolete cross-reference in § 23-202(b)(3)(i) of the Transportation
10 Article.

11 Occurred: As a result of Ch. 490, Acts of 2010, which repealed former §
12 13-815 of the Transportation Article containing the definition of “qualified hybrid
13 vehicle” for purposes of a tax credit for such vehicles. In repealing the definition of
14 “qualified hybrid vehicle” for purposes of the tax credit under former § 13-815, Ch.
15 490, Acts of 2010 also inadvertently repealed the definition for purposes of a largely
16 unrelated section of law dealing with emissions requirements. This correction restores
17 the original definition of “qualified hybrid vehicle” in place of the obsolete
18 cross-reference in § 23-202 of the Transportation Article.

19 **SECTION 3. AND BE IT FURTHER ENACTED,** That the publishers of the
20 Annotated Code of Maryland, subject to the approval of the Department of Legislative
21 Services, shall make any changes in the text of the Annotated Code necessary to
22 effectuate any termination provision that was enacted by the General Assembly and
23 has taken effect or will take effect prior to October 1, 2012. Any enactment of the 2012
24 Session of the General Assembly that negates or extends the effect of a previously
25 enacted termination provision shall prevail over the provisions of this section.

26 **SECTION 4. AND BE IT FURTHER ENACTED,** That the Drafter's Notes
27 contained in this Act are not law and may not be considered to have been enacted as
28 part of this Act.

29 **SECTION 5. AND BE IT FURTHER ENACTED,** That the provisions of this Act
30 are intended solely to correct technical errors in the law and there is no intent to
31 revive or otherwise affect law that is the subject of other acts, whether those acts were
32 signed by the Governor prior to or after the signing of this Act.

33 **SECTION 6. AND BE IT FURTHER ENACTED,** That the publishers of the
34 Annotated Code of Maryland, in consultation with and subject to the approval of the
35 Department of Legislative Services, shall make nonsubstantive corrections to
36 codification, style, capitalization, punctuation, grammar, spelling, and any reference

1 rendered incorrect or obsolete by an Act of the General Assembly, with no further
2 action required by the General Assembly. The publishers shall adequately describe
3 any such correction in an editor's note following the section affected.

4 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
5 take effect on the taking effect of Section 4 of Chapters 111 and 112 of the Acts of the
6 General Assembly of 2007.

7 SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety,
9 has been passed by a yea and nay vote supported by three-fifths of all the members
10 elected to each of the two Houses of the General Assembly, and, except as provided in
11 Section 7 of this Act, shall take effect from the date it is enacted.